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A C T S

P A S S E D A T A

General Assembly

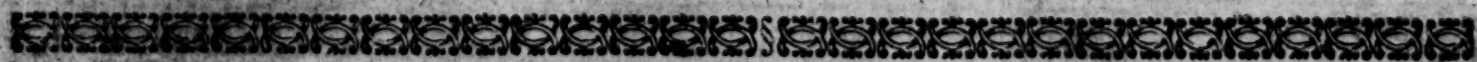
O F T H E

C O M M O N W E A L T H

O F

V I R G I N I A.

BEGUN and held at the PUBLIC BUILDINGS in the CITY
of RICHMOND, on *Monday* the sixteenth Day of *Octo-
ber*, in the Year of our LORD, One Thousand Seven
Hundred and Eighty-six.



R I C H M O N D,

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A C T S

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General Assembly

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O F

V I R G I N I A.

An ACT for appointing COMMISSIONERS to liquidate and settle the expences incurred in two expeditions carried on from the Kentucky district against the neighbouring Indians.

WHEREAS the citizens of this commonwealth in the district of Kentucky, have lately carried on two expeditions against the neighbouring tribes of Indians, and it is reasonable that such services should be rewarded, *Be it therefore enacted by the General Assembly,* that Edmund Lyne, Isaac Shelby, and Richard Taylor, gentlemen, (any two of whom shall be a board) shall be, and they are hereby appointed commissioners to settle and adjust all claims for pay and rations due prior to the twentieth day of October last, of the officers, soldiers, and those employed in the staff department, lately under the command of General George Rogers Clarke, and Colonel Benjamin Logan, against the Shawanese and Wabash Indians, and also the claims of all those who have furnished arms, ammunition, provisions, salt, horses, halters, pack-saddles, bells, ropes, bags, axes, kettles, ferrage, pasturage for beef cattle, and provender and forage for the dragoon and drovers horses, by impressment or otherwise for the purpose of carrying on the said expeditions; and also to liquidate the accounts of those who have or may furnish provisions, clothing or other necessaries for the Indians prisoners in that district, until they may be exchanged or released. And all those who have made impressments necessarily for the use of the said expeditions shall be and are hereby indemnified. The said commissioners shall grant certificates under their hands to those entitled thereto, in the same manner as the Auditors of Public Accounts have heretofore granted certificates for militia service and supplies, taking for their rule the prices allowed by law for militia services, and the cash prices of all other articles which may have been furnished: *Provided,* that no officer in the staff department shall receive any greater allowance than is made to officers holding the same appointment in a brigade: *Provided also,* that no subaltern officer or soldier shall receive any certificate for pay unless he shall produce to the said commissioners, from the officer commanding the company to which he belongs, and also from one of the field officers of the regiment, a certificate of his having faithfully served during the said expeditions; and that no captain or field officer shall obtain such certificate unless he shall produce to the said commissioners a similar certificate signed by the commanding officer of his regiment and countersigned by the said George Rogers Clarke or Benjamin Logan: *Provided also,* that where arms or any other article above mentioned have, since the said expeditions, been returned to the owners instead of certificates for the value, they shall receive certificates equal to the time their property was in the public service, and also for the injury such property may have received during that time. The commissioners hereby appointed shall meet at the town of Danville, in the county of Mercer, as soon as may be after the receipt of this act; and may adjourn from day to day, or to any other place or places within the district, and sit until the business is completed. They shall appoint a clerk who shall make entries, in a book to be kept for that purpose, of the names of all persons, and the amount of certificates issued to them, and shall transmit the

the same to the Treasurer with an alphabetical list of such names, as a security against counterfeits, frauds or errors. The clerk shall transmit to the Executive a certificate of the number of days the commissioners shall respectively have been employed in liquidating said claims, and the number of miles they have travelled; who shall make them and their clerk such allowances as their services deserve, to be paid in the same manner as warrants given to the officers of government. *And be it further enacted*, that the certificates thus issued shall be receivable in discharge of any of the taxes which may hereafter become due in the said district. Counterfeiters of certificates issued under this act shall be punished as counterfeiters of militia certificates heretofore issued by the Auditors of Public Accounts. In case of the death, resignation, refusal to act, or any other legal disability of any of the commissioners hereby appointed, the judges of the supreme court of the district of Kentucky shall have power to appoint others instead of those dead, resigned, or otherwise legally disabled.

And whereas it is just that every part of the state should contribute to the support of government, *Be it therefore enacted*, that in each of the counties of the said district, the court shall appoint commissioners of the tax, cause lists of the taxable property in the said county to be taken, call upon the sheriff or collector to give bond and security, and in all other instances fully carry into execution the laws for raising a permanent revenue within this state: *Provided*, that no sheriff or collector shall have a right to call upon the people, or shall himself be accountable for any taxes which shall have become due prior to the last day of January one thousand seven hundred and eighty-seven.

Provided always, and be it further enacted, that tobacco shall be receivable for taxes within the said district after the rate of twenty shillings per hundred, in like manner as provided in other cases by an act of the present session, intitled, "*An act to enable the citizens of this commonwealth to discharge certain taxes by the payment of tobacco.*"

And provided also, that the lands in the said district allotted by law to the officers and soldiers, who served in the army of the United States or this state, and which have not been aliened, shall not be subject to taxation, until the future direction of the Legislature.

An ACT, to amend the ACT for REGULATING and DISCIPLINING the MILITIA, and for other purposes.

FOR the more effectual execution of the laws now in force, for regulating and disciplining the militia, *Be it enacted by the General Assembly*, That on or before the first day of May next, the county lieutenants or commanding officers in the respective counties within this commonwealth, also in the city of William burg and borough of Norfolk, with the field officers and captains shall meet on a day to be appointed by the county lieutenant or commanding officer, who are hereby required to enroll the militia within their several counties and corporations, into distinct companies; and thereafter the captain or commanding officer of each respective company, shall forthwith proceed to divide his company into divisions, by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service, and shall return a roster of each division and its number in rotation within ten days, to the county lieutenant, or commanding officer of his county or corporation; any officer of the militia, called into actual service, neglecting or refusing to do his duty, shall forfeit his commission, and moreover be amerced at the discretion of a court martial, that is to say, a county lieutenant in any sum not exceeding one hundred and fifty pounds; a colonel or lieutenant colonel not exceeding one hundred pounds; a major not exceeding seventy five pounds; a captain not exceeding fifty pounds; a lieutenant or an ensign in any sum not exceeding forty pounds; and non-commissioned officers or privates in like manner refusing or neglecting shall also be fined at the discretion of a court martial in any sum not exceeding twenty pounds each: *Provided always*, that the penalties and forfeitures herein imposed on field officers, captains and subalterns, in case of failure or refusal as aforesaid, shall be subject to the approbation of the Executive with power to remit or enforce the same. *And be it farther enacted*, that every captain or commanding officer of a company shall return on oath, a list of all delinquencies, which may have happened in his company since the last court of enquiry or assessment of fines, in his county or corporation, to the county lieutenant or commanding officer, on the day of each succeeding general or regimental muster, or court of enquiry and assessment of fines, which shall be held on the day next succeeding the day of holding any general or regimental muster, if fair, if not the first fair day, which said general or regimental muster shall be held by order and appointment of the county lieutenant, or in case of his absence, of the next commanding officer of the militia.

And be it further enacted, that officers of the militia, who have been reinstated in their commissions under the act of the last session of assembly and shall fail or neglect to qualify to the same on or before the first day of May next, shall be considered as having resigned the same, and the respective county courts shall forthwith proceed to recommend other proper persons to be commissioned in their room. Any field officer or commanding officer of a company failing to perform any duty herein prescribed to him, for which no penalty is imposed, shall

shall be fined at the discretion of a court martial or court of enquiry, not exceeding to a field officer the sum of thirty pounds, and to a commanding officer of a company not exceeding fifteen pounds.

And whereas, it is expedient, that upon a deficiency of the contingent fund, the power of impressment should be exercised in case of invasion or insurrection.

Be it therefore enacted, That upon any invasion or insurrection, it shall be lawful for the Governor, with the advice of the Council, to procure by impressment whatsoever supplies may be necessary, and may be unattainable by purchase. But whensoever the power of impressment shall be exercised, the mode of valuation shall be the same with that prescribed in the above recited act, for procuring by impressment a waggon and team; and due care shall be used for rendering this act of authority as little burthenfome as possible, to those who may become subject thereto. *And be it further enacted,* That in case of any invasion or insurrection, the county lieutenant or commanding officer, shall give immediate notice thereof to the Governor, under the penalty of fifty pounds; for any money expended in sending such notice, he may appropriate a reasonable sum arising from fines in his county, or if they be not sufficient, he may receive a like reasonable sum from the contingent fund, on a warrant from the Executive. For the trial of a county lieutenant or commanding officer, the Governor with the advice of Council, may direct a court martial to be holden by any militia officers whatsoever, constituting the same according to military usages.

A county lieutenant or commanding officer failing to account for fines according to the above recited act shall be liable to the penalty of one hundred pounds.

All fines and penalties imposed by this or the above recited act except where the jurisdiction thereof is specially given to courts martial, shall be recovered on the motion of the solicitor, or any individual in any court of record, on ten days previous notice in writing; on the motion of the solicitor the whole fine or penalty shall be adjudged for the use of the commonwealth and on the motion of an individual to that individual.

In companies having two lieutenants, the second lieutenant shall be considered as no longer in office. Whensoever officers shall be commissioned for a light company, and shall fail to raise their men, the said officers shall claim no rank or privilege by such commissions. And it shall be lawful for the executive to fix a day by which such commissions shall be vacated ipso facto, unless the complement be raised by that time.

If by any accident a sufficient number of captains and subalterns should not attend any detachment at the place of rendezvous, they may be appointed in the same manner as field officers in such cases.

So much of all and every act or acts as comes within the purview of this act, shall be and is hereby repealed.

An ACT for reviving, continuing and amending an Act to revive and amend in part an Act for giving further time to ENTER CERTIFICATES for SETTLEMENT RIGHTS, and for LOCATING WARRANTS upon PRE-EMPTION RIGHTS, and for other purposes. *See the acts of*

WHEREAS the act of Assembly passed in the year one thousand seven hundred and eighty-four, intituled, "An act to revive and amend in part an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes," which was continued by several subsequent acts, did expire on the first day of November last, and it is expedient that the same should be revived, continued, and amended, *Be it therefore enacted,* that the said recited act shall be revived and continue in part, and be in force until the last day of December, one thousand seven hundred and eighty-seven, within which time the register of the land office or his deputy, shall receive all plats and certificates of survey although not returned within the time heretofore limited by law and such lands shall not be considered as forfeited or liable to a forfeiture on that account. *See the acts of 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 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3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3*

into the public treasury thirteen shillings and four pence for every hundred acres of land in specie or audited certificates in full for the state price heretofore required, which being audited and a certificate thereof produced to the register of the land office, the said register is hereby authorized and directed to issue such warrant to the party intitled to the same or to his assigns.

And whereas by sundry acts of Assembly entries and surveys on the eastern waters have been hitherto protected from forfeiture, and it is reasonable that a certain time should be limited for surveying such entries and making return thereof to the land office, *Be it therefore enacted*, that the entries for lands on the eastern waters, which have been legally made before the first day of January, in the year one thousand seven hundred and eighty, except entries made within the district of the Northern Neck, shall proceed to survey the same with all practicable dispatch, which surveys, together with those already made and founded upon entries of the above description, shall be returned into the register's office on or before the first day of October, one thousand seven hundred and eighty eight, and not after, and on failure of such surveys being made and returned on or before the said first day of October, one thousand, seven hundred and eighty eight, such lands are hereby declared vacant and shall be liable to be located in the same manner, as other unappropriated lands within this commonwealth. *And be it enacted*, that the owners of entries for lands within the district of the Northern Neck regularly made before the seventeenth day of October in the year of our Lord one thousand, seven hundred and eighty five shall proceed to survey the same, which surveys, together with those already made upon like entries, shall be returned into the register's office on or before the said first day of October one thousand seven hundred and eighty-eight, and on failure such entries are hereby declared void, and the lands liable to be located in the same manner, as other unappropriated lands within the said district. And the composition upon grants issued from the register's office on surveys under entries made as aforesaid may be paid either in specie or audited certificates.

And whereas many surveys regularly made and returned into the proprietor's office before the said seventeenth day of October one thousand seven hundred and eighty-five, have been ungranted until they have become forfeited according to the rules of the said office, and it is reasonable the same indulgence should be extended to the people within the said district, as to the other citizens of this commonwealth, *Be it enacted*, that the owners of such surveys may, before the said first day of October one thousand seven hundred and eighty-eight, apply to and obtain from the register grants for the same upon paying the quitrents and composition due thereon in manner aforesaid, and on failure thereof the lands contained in such surveys shall be forfeited and may be granted in the same manner as other unappropriated lands within the said district. And any person possessing high lands within the said district to which any swamps, marshes, or sunken grounds are contiguous and not already appropriated shall have the pre-emption of such swamps, marshes or sunken grounds at the rate of twenty-five pounds by the hundred acres, until the said first day of October one thousand seven hundred and eighty eight: And if such person shall not obtain a grant for such swamp, marshes, or sunken grounds before that time, then any other person may enter on and obtain a grant for the same in like manner as is directed for other unappropriated lands within the said district. But nothing herein contained shall be construed or extend to give liberty to any person to locate or obtain a grant for any unappropriated swamps, marshes or sunken grounds lying contiguous to the high land of any feme covert, infant, person not being compos mentis, or person out of the commonwealth, but such persons shall be allowed twelve months after the removal of their several disabilities for the pre-emption of such lands.

And be it further enacted, that where any caveat hath been entered in the proprietor's office of the Northern Neck before the seventeenth day of October in the year of our Lord one thousand seven hundred and eighty-five, the person who entered such caveat shall, within twelve months next following, assign the causes thereof in the register's office, and proceed to prosecute the same, and on failure the same shall be taken and deemed dismissed, and a grant for the lands so caveated shall issue to the person, his assignees, or legal representatives, in whose favor the survey was made.

And whereas the act passed at the last session of assembly, intituled "*An act to dispose of the waste and unappropriated lands in the Commonwealth of Virginia on the eastern waters*," directs that a composition of twenty five pounds, for every hundred acres of the said lands should be paid by the person or persons who shall obtain a warrant for the same. *Be it enacted*, that from and after the passing of this act the composition aforesaid may be paid in auditors warrants or audited certificates, any thing in the said recited act to the contrary notwithstanding.

An ACT making further provision for the ERECTION of the DISTRICT of KENTUCKY into an INDEPENDENT STATE.

WHEREAS it appears that the representatives elected in pursuance of the act, entitled, "*An act concerning the erection of the district of Kentucky into an independent state*," have been hindered by unforeseen events from meeting at the time proposed, and determining the question

question referred to them; and it is considered that no such determination can now take place within the time necessary for its receiving the assent of Congress prior to the first day of June next, as required by the act under which the said representatives were elected.

And whereas it continues to be the purpose of the General Assembly, that the said district shall become an independant state, on the terms and conditions specified in the act aforesaid, whenever the good people thereof shall so determine and the United States in Congress shall thereof approve; *Be it enacted by the General Assembly*, that in the month of August next, and on the respective days and places of holding courts in the several counties within the said district, five representatives for each county to continue in appointment for one year and to compose a convention with the powers and for the purposes herein after mentioned, shall be elected by the free male inhabitants of the county. The elections shall be conducted in like manner with the like promulgation of this act to the electors, and with the like penalties for neglect of duty in the officers, as were prescribed for the elections held under the act above recited. The convention shall be held at Danville on the third Monday of September ensuing, or whenever thereafter a sufficient number shall be assembled. Five members assembled shall be a sufficient number to adjourn from day to day, and to issue writs for supplying vacancies which may happen from deaths, resignations, or refusals to act. A majority of the whole shall be a sufficient number to chuse a president and other proper officers, to settle the proper rules of proceeding, to authorize any number of members to summon a convention during a recess, and to act in all other instances, where a greater number is not expressly required. Two thirds of the whole shall be a sufficient number to determine whether it is expedient for and be the will of the good people of the said district, that the same be erected into an independant state, on the terms and conditions specified in the act above recited: *Provided*, that no vote shall be considered as deciding this question either in the affirmative or negative, unless a majority of the whole number to be elected shall concur therein.

And provided, that in case two thirds of the whole shall not assemble within fifteen days after the day appointed for the meeting, a decision in which a majority of the whole shall concur, shall be valid although the number present be less than two thirds of the whole.

And be it further enacted, that in case the said convention shall approve of an erection of the said district into an independant state, on the terms and conditions above referred to, they shall and may proceed to fix a day not later than the first day of January one thousand seven hundred and eighty nine, on which the authority of this commonwealth and of its laws under the exceptions, specified in the act above recited, shall cease and determine forever over the said district, and the articles specified in the said act shall become a solemn compact mutually binding on the parties, and unalterable by either without the consent of the other.

Provided however, that prior to the fourth day of July one thousand seven hundred and eighty eight, the United States in Congress shall assent to the erection of the said district into an independent state, shall release this commonwealth from all its federal obligations arising from the said district, as being part thereof, and shall agree that the proposed state shall immediately after the day to be fixed as aforesaid, or at some convenient time future thereto, be admitted into the federal union: And to the end that no interval of anarchy may happen to the good people of the proposed state; It is to be understood that the said convention shall have authority to take the necessary provisional measures for the election and meeting of a convention at some time prior to the day fixed for the determination of the authority of this commonwealth and of its laws, and subsequent to the notified assent of Congress to the proposed erection of the said district into an independent state, with full power and authority to frame and establish a fundamental constitution of government for the proposed state, and to declare what laws shall be in force therein, until the same shall be abrogated or altered by the legislative authority acting under such constitution. This act shall be transmitted by the executive to the delegates representing this state in congress, who are hereby instructed to use their endeavors to obtain from congress a speedy concurrence in the measure proposed by this act, and the act heretofore passed intituled "*An act concerning the erection of the district of Kentucky into an independent state.*"

An ACT to provide for the appointment of DELEGATES to represent this Commonwealth in CONGRESS, until the first Monday in November next.

BE it enacted by the General Assembly, that five delegates shall be chosen by joint ballot of both houses to represent this commonwealth in Congress, from the time of their appointment until the first Monday of November one thousand seven hundred and eighty seven; three of whom at least shall be constantly attending the duties of their office. The persons so appointed shall each of them have from the Governor a credential varied so as to suit the present occasion, and shall be entitled to the same allowances as are provided by an act, "*For regulating and fixing the salaries of the officers of civil government.*"

An

*An act to amend the act entitled An act for ascertaining certain TAXES and DUTIES,
and for establishing a PERMANENT REVENUE.*

BE it enacted by the General Assembly, that the Clerk of every County Court within this Commonwealth shall, on receipt of this act (which the Executive is hereby required to send immediately by express, or other safe and certain conveyance) lay the same before the next Court to be held for his county, and the Court shall immediately proceed to appoint discreet and reputable persons to be Commissioners for the purposes herein after mentioned; and in those counties, where more than one Commissioner is directed to be appointed, the said Courts shall also distinctly lay off and ascertain the bounds of the district allotted to each Commissioner: In each of the counties of Augusta, Botetourt, Culpeper, Fauquier, Greenbrier, Loudoun, Harrison, Jefferson, Lincoln, Monongalia, Montgomery, Nelson, Ohio, Fayette, Mercer, Madison, and Bourbon, there shall be appointed three Commissioners; in each of the counties of Accomack, Albemarle, Amherst, Bedford, Berkeley, Amelia, Brunswick, Buckingham, Campbell, Caroline, Charlotte, Chesterfield, Cumberland, Dinwiddie, Fairfax, Franklin, Frederick, Fluvannah, Gloucester, Goochland, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, King & Queen, King George, Essex, Louisa, Lunenburg, Mecklenburg, Nansemond, Norfolk, Northampton, Orange, Pittsylvania, Prince Edward, Prince William, Princess Anne, Richmond, Rockbridge, Rockingham, Shenandoah, Southampton, Spottsylvania, Stafford, Surry, Sussex, Westmoreland, Northumberland, Hardy, Hampshire, Washington, and Russell, there shall be appointed two Commissioners; and in each of the counties of Powhatan, Charles City, Elizabeth City, King William, James City, Lancaster, Middlesex, New Kent, Warwick, Prince George, and York, and in the city of Williamsburg, and Richmond, and the towns of Petersburg, Alexandria, Fredericksburg, and Winchester, and borough of Norfolk there shall be appointed one Commissioner. **PROVIDED**, that no Member of either House of Assembly, persons holding any office in civil government, receiving stated salaries, Naval Officers, practising Attornies, or Physicians, Clerks of Courts, Inspectors, Ordinary-keepers, Sheriffs or their Deputies, or persons that have been in the office of Sheriff, Deputy Sheriff, or Collector of public taxes in their county, shall not be capable of acting or serving as Commissioner, unless it shall appear by sufficient testimony, other than the parties own oath, that such Sheriff or Collector hath compleated his collection, fully paid the amount thereof into the treasury, and finally closed every account relative thereto. **AND BE IT ENACTED**, that the Clerk of the Court shall certify to every Commissioner his appointment without delay, and at the same time furnish him with a copy of this act; the proof whereof shall rest upon the Clerk, and thereupon each Commissioner shall repair to some acting Magistrate of the county, and take the following oath or affirmation, to wit: "I A. B. do swear (or solemnly, sincerely, and truly declare and affirm) that as Commissioner for _____ county, city, town, and borough of Norfolk, I will to the best of my skill and judgment, diligently and faithfully execute the duties of the said office, according to the directions of the act, entitled, *An Act to amend the act, entitled An Act for ascertaining certain taxes and duties, and for establishing a permanent revenue*, without favour, affection, or partiality, and that I will do equal right and justice, according to the best of my knowledge in every case in which I shall act as Commissioner: So help me GOD." A certificate of which oath or affirmation shall be given the Commissioner by the Magistrate administering it, and the Magistrate shall also certify the same to the next Court held for his county to be recorded. **AND BE IT ENACTED**, that every Commissioner thus qualified, shall perform the following duties within his district: He shall in the first place, apply to the Clerk of the Court for the books of the Commissioners, appointed under the act for equalizing the land tax, which book or books, the Commissioners of the land tax are hereby directed to deliver to the said Clerk on application; and in case of refusal or neglect, or loss of such book or books, the Clerk shall certify the same to the Executive, who, for such refusal or neglect, shall direct the Solicitor to proceed to recover the fine hereby imposed, and moreover to furnish such Clerk with an attested copy of the land tax from the last statement on the equalizer's books, and the Clerk, upon being furnished with such book or books, either by the Commissioners of the land tax, or from the Solicitor's office, shall aid and assist the Commissioners appointed by this act, in selecting therefrom the owners name, and the tax on every tract of land or lot within each district, in the following manner, and in the form hereto subjoined. There shall be entered in one column the owners names in alphabetical order; the number of acres or lots, the rate at which such land is valued by the acre, the amount or total value of each tract or lot of land, and the tax payable thereon; which book the said Commissioner shall keep (leaving a fair copy in the Clerk's office, which copy the Clerk shall make) so long as he shall continue in office, and on his death, resignation, or inability to act, shall be delivered to the succeeding Commissioners for the district. And every Commissioner shall in the said book note from time to time all such alterations, alienations, divisions and additions as may happen within his district, and shall also perform all the duties of the Commissioners of the land tax, and be entitled to the same fee for making entry of alteration or alienation as set forth by an act of Assembly passed at the October session in the year one thousand seven hundred and eighty two, entitled, *An Act for equalizing the land tax*. And the Clerks of the county, and of the General Court, are hereby directed to make return to the said Commissioners instead of the former Commissioners, of all deeds recorded in their respective Courts, and the Register of the land office of all patents, as they are directed by the said last recited act.

AND BE IT FURTHER ENACTED, that the said Commissioners shall severally on the tenth day of March annually, begin and continue proceeding without delay through their respective districts, and call on every person subject to taxation, or having property in his or her possession or care, on which any tax is imposed, for a written list thereof, which list being corrected, if necessary, and distinctly read over by the Commissioner to the person delivering the same, he or she shall then make oath or affirmation, that such list contains a just and true account of all persons, and of every species of property in his or her possession or care, within that district (land only excepted) subject to taxation, on the ninth day of March then next preceding, and that no contract, change, or removal whatever, of property had been made or entered into, or any other method devised, practised or used, in order to evade the payment of taxes; which oath or affirmation the Commissioner is hereby empowered and directed to administer.

AND BE IT FURTHER ENACTED, that each of the said Commissioners shall, after collecting the lists of property from the inhabitants of his district in manner before directed, make four alphabetical general lists therefrom, shewing in columns according to the form hereto also annexed, the date when each list was received, the persons chargeable with the tax or taxes, and the number or quantity of every species of property, inserting particularly the names of all free males subject to tax, distinguishing those also subject only to parish and county levy, which list shall be kept and delivered in the following manner. Each Commissioner shall retain one of those lists in his own possession, so long as he continues in office, and afterwards to be delivered to his successor as in the case of the land tax books; one

other of the lists, together with the lists taken from the individuals in his district shall be returned to the clerk, who shall examine the same, and if found to be erroneous, either in addition or otherwise, to correct the others, and then certify them to be true copies: The list in the Clerk's office shall serve for laying the county levy, and fixing the poor rates, and be subject to the inspection or examination of every person who may choose to examine the same. PROVIDED, they be not taken out of the said Clerk's possession, and copies may be had at the charge of the person or persons desiring the same. One other of the said lists, after being certified by the Clerk, shall be delivered by the Commissioner to the High Sheriff of the county, as his guide to collect the taxes, and the remaining fourth list, being also certified by the Clerk, shall be transmitted by the Commissioner to the Solicitor's office, there to be minutely examined, and to be produced by the Solicitor and admitted as evidence by the General Court, for the amount of taxes charged the Sheriff: All which lists, it is hereby declared to be the duty of the several Commissioners to have delivered to the several persons or officers on or before the last day of May annually, and the said Commissioners shall take a receipt or acknowledgment in writing of the delivery of such lists. AND BE IT FURTHER ENACTED, that the said Commissioners shall also at the time of delivering the lists of taxable property herein before directed, deliver to the Clerk of his county, and at the Solicitor's office, a fair and correct copy of the state of the land tax, noting the alterations, alienations, divisions, and additions that may have taken place in the preceding year, within his district, to enable the Clerk to adjust his book of the land tax, and the Solicitor to adjust the equalizer's books; and the book containing the land tax, together with the annual returns of the several Commissioners lodged in the Clerk's office, shall be subject at all times to the inspection of every person, in like manner as the lists of taxable property, and the said Commissioners shall also deliver to the Sheriff an exact list of taxes, due from all and every person or persons for land within his district, to enable the Sheriff to proceed in his collection.

AND BE IT FURTHER ENACTED, that in case any person appointed to the office of Commissioner under this act, shall refuse to serve, not having a reasonable excuse in the opinion of the Court of the county, he shall, for such refusal, forfeit and pay the sum of thirty pounds: Any Commissioner, after having served one year, may resign his office; provided that he gives notice to the Court of his county, at some Court after completing the lists of taxable property, and previous to the month of January, to enable them to appoint a successor, without delaying the public business, and upon the refusal to act, notice of resignation, death, or inability of any Commissioner, it shall be the duty of the Court of such county, immediately to appoint a successor, and the Clerk is directed to call for all papers in the preceding Commissioners hands, or his legal representatives, who, on refusal or neglect of delivering them, shall be liable to the same penalty as the Commissioners of the land tax, and in case they be lost, shall be furnished on application as herein before directed.

AND BE IT FURTHER ENACTED, that the Court of each county shall make such allowances to the Clerk for his services under this act, as they shall think reasonable, to be included in the county levy; and to allow to each of the Commissioners for their services the sum of six shillings for every day they shall severally make satisfactory proof to the Court, to have been *bona fide* engaged in the execution of this act, and, shall moreover be exempted from military duty during their continuance in office. The Sheriff of each county is hereby directed and empowered to pay to the Commissioners respectively, the amount of their several allowances on receiving the Clerk's certificate therefor, and the amount of such certificates with the parties receipts shall be credited the Sheriff by the Auditor of Public Accounts, in the settlement of his account of taxes, and shall be made good out of the taxes appropriated to the payment of the salaries due the officers of civil government.

AND BE IT FURTHER ENACTED, that if any person shall give or deliver to a Commissioner, a false or fraudulent list of persons or property subject to taxation, or shall refuse to give a list, on oath, or affirmation, when required by the Commissioner, the person or persons so refusing shall be liable to a fine of five pounds, and the Commissioner shall proceed to list such persons property, agreeable to the best information he can procure, and all such property so ascertained shall be moreover subject to a treble tax, to be collected and distrained for by the Sheriff, as in other cases; and in the case of an imperfect, false or fraudulent list, the person giving the same shall be subject to pay a fine of five pounds, and the property subject to a treble tax, which fines and treble taxes shall be recovered in the County Court, by the following mode of proceeding, and applied as herein after directed. The Commissioner shall give information thereof personally, and if unable to attend, in writing, under his hand, to the next Court held for his county, which Court shall forthwith direct the Clerk to issue a summons, requiring the party to appear at the next Court to be held for the county, to shew cause, if any he can, why he should not be fined and treble taxed for giving in an imperfect or fraudulent list of taxables, and the person or persons, upon being served therewith by the Sheriff, and appearing, shall immediately plead to issue, and the matter thereof shall be enquired into by a Jury, or the Court, at the defendant's option, and on conviction, or the person failing to appear upon being summoned, the fine and treble tax shall be established by judgment of the Court, who, unless good cause be shewn at the next succeeding Court for such failure, shall award execution for the fine, and certify the amount of the tax to the Sheriff for collection, and to the Solicitor's office; the amount of which fine after deducting thereout as much as may be necessary to pay the Clerk and Sheriffs fees, and such allowance as the Court may think reasonable to make the Commissioner for his extraordinary trouble on the occasion, shall be applied towards lessening the county levy; and the treble tax shall be charged to the Sheriff, and accounted for in like manner as the other taxes: The Clerk of the Court shall set up at the door of his courthouse, a copy of the proceedings in such cases, on the succeeding Court day.

AND for preventing frauds or impositions upon commissioners, BE IT FURTHER ENACTED, that every person or persons having knowledge of any incorrect, false or fraudulent list being given a Commissioner, shall give information thereof either to a Commissioner, or the county court in like manner as the Commissioner is directed, and thereupon the same mode of proceeding shall be had, as if the Commissioner gave information and the person informing shall be entitled to and receive one half of the fine imposed on the offender or offenders, to his own use, and the other half after paying costs, to be applied towards lessening the county levy. The Clerk of every County Court shall transmit to the Governor a fair and attested copy of all proceedings had at his Court, in pursuance of this act, immediately after every court, noting therein, the names of the sitting Magistrates, which attested copy shall be admitted as proof on any motion in the General Court by the Solicitor for the recovery of any fine imposed by this act. The Clerk, Justices, or commissioners failing to perform any one of the duties imposed on them respectively by this act, or the Commissioners of the land tax or their legal representative, refusing or neglecting to deliver the books of the land tax in their possession to the Clerk shall be subject to a fine of fifty pounds to be recovered by motion on any day, at either of the sessions in the General Court, at the instance of the Solicitor, notice of such motion being previously given in the same manner as to delinquent sheriffs.

AND BE IT FURTHER ENACTED, that in case any person should be absent from his or her place of residence at the time the Commissioner calls to receive the list, and it should appear to the Commissioner that such absence was not intentional, or done with a view of avoiding the delivery of such list, it shall be lawful for the Commissioner to require the attendance of such absent person, with his or her list, at any time and place within the said district: PROVIDED such person tenders his or her list to the Commissioner and makes oath to the justness of it on or before the twenty fifth day of May annually, and in case of failure, the Commissioner shall proceed in like manner as is before directed in cases of refusal to give in lists; and the court shall determine from the circumstances of the case, whether to inflict or remit the fine and treble taxes.

AND BE IT FURTHER ENACTED, that a list of all the insolvents returned by the Sheriff to the Court shall be transmitted by the Clerk to the Commissioners of the tax, to be entered on their book of taxes for that year, and no Sheriff shall have credit for such insolvents, in his account with the public, unless certified by the said Commissioners to have been allowed by the Court, and the said Commissioners shall moreover transmit with the said lists of insolvents an account of the tax of any person who may have removed out of the county, together with the name of the county to which they have removed, which account the Auditors are hereby directed to transmit to the Commissioners of the tax of the county to which they have removed, to be charged on their books and collected by the Sheriff. An account of all fines or additional taxes imposed by virtue of this act shall be by the said Commissioners transmitted to the Solicitor's office before the 1st of August annually. And the said Commissioners shall state in their book of taxes a general account with the Sheriff for all taxes, fines and additional taxes in their county crediting him for all insolvents and for the allowances made to the Commissioners for their salaries, which allowances to the Commissioners, the Sheriff shall have credit for in his account with the public and also for all payments made by the said Sheriff to the public, receipts for which shall be by the said Sheriff transmitted to the said Commissioners within twenty days after obtaining the same, a copy of which account shall be by the said Commissioners transmitted to the Solicitor's office before the 1st day of May annually.

AND whereas it may so happen from bad weather or other unavoidable accidents that some of the Courts and Commissioners may not within the time directed by this act proceed to execute the several duties therein required of them, but nevertheless they are hereby directed and empowered to proceed to execute the same so soon after as may be. And as no provision is made in what manner the Commissioners are to give in their taxable property, BE IT THEREFORE ENACTED, that they shall severally make a return on oath to their respective Courts a list of all their taxable property, and shall enter the same in the several lists to be by them returned to the different persons and public officers, and on failing to comply herein shall be liable to be proceeded against in the same manner and subject to the same penalties as in case of any other neglect.

AND BE IT FURTHER ENACTED, that the Courts of the several towns and corporations herein before mentioned are authorized and directed to proceed to appoint Commissioners in like manner as the County Courts do, which said Commissioners when appointed shall within their several towns and corporations execute their office under the same restrictions and regulations as those appointed by the County Courts; and on failure of the Courts or Clerks of the different towns and corporations to do the duty hereby required of them they shall be subject to the same penalties as the County Courts and Clerks of County Courts are.

Form of keeping the book containing the land tax by the Commissioner.

List of the land tax within the district of A. B. Commissioner in the county of C.

Person's names owning land.	Number of lots.	Yearly rent of lots.	Quantity of land.	Rate of land per acre.	Total amount of value of land exclusive of lots.			Amount of tax at one and a half per cent.		
D. D.	1	£.20	1000	10s.	500	"	"	£.7	16s.	0d.
D. F.	"	"	500	12	300	"	"	4	10	0
E. G.	3	60	"	"	"	"	"	0	18	0
Sum Total.	4	£.80	1500		800			£.13	4	0

Form of return of taxable property to be made by the Commissioners.

List of taxable property within the district of A. B. Commissioner in the county of C—,
for the year 178 .

Date of receiving lists from individuals	Persons names chargeable with the tax	Names of white male tithables above 21	Number of white males above 16 and under 21.	Blacks above 16.	Blacks under 16.	Horses, mares, colts & mules.	Cattle.	Carriage wheels.	Ordinary licences	Billiard tables.	No. of stud horses.	Rates of covering per leaton			Practising physicians, apothecaries & surgeons.
178 .	10 A. C.	A C	1	2	3	4	5	2	1	1	1	£.2	0	0	
March 10	11 A. D.	AD & EF	"	1	2	1	3	"	1	"	"	0	0	0	
	12 A. E.	A E	"	"	"	"	0	"	"	"	"	0	0	0	
	10 B. F.	BF & IK	2	10	15	9	30	6	"	"	2	5	0	0	
	12 C. G.	C G	"	15	10	10	25	"	1	"	"	0	0	0	
	13 D. H.	D H	3	"	1	2	7	"	1	1	"	0	0	0	
	Total amount.	9	6	28	31	26	70	8	4	2	3	7	0	0	

SO much of all and every act of Assembly as comes within the purview of this act shall be and the same is hereby repealed.

C H A P. VII.

An ACT to carry into Execution the REQUISITION of CONGRESS upon this State for a TROOP of CAVALRY.

SECTION I. **W**HEREAS the United States in Congress assembled, have, by their act of the twentieth of October, one thousand seven hundred and eighty six, assigned to this State as its quota of troops to be immediately raised for the service of the United States, one troop of light dragoons, to consist of sixty troopers, with their proper Officers:

SECT. II. *BE it therefore enacted by the General Assembly,* That the Governor, with the advice of the Council of State, may, and he is hereby empowered and directed, to appoint a Captain, Lieutenant, and Cornet, to command the said Troop; and the said Officers when so appointed, shall proceed with all dispatch to recruit sixty men by voluntary enlistment, to serve in the armies of the United States for three years, unless sooner discharged, and each trooper when enlisted, shall receive a bounty of five dollars.

SECT. III. *AND be it further enacted,* That the Governor, with the advice of the Council of State, may draw upon the Treasurer for as much money as may be necessary fully to carry this Act into execution; which the Treasurer shall pay out of the money appropriated for the payment of this State's quota of the Requisition of Congress of September, one thousand seven hundred and eighty five.

C H A P. VIII.

An ACT for appointing DEPUTIES from this Commonwealth to a CONVENTION proposed to be held in the City of Philadelphia in May next, for the purpose of revising the FEDERAL CONSTITUTION.

SECTION I. **W**HEREAS the Commissioners who assembled at Annapolis, on the fourteenth day of September last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the Commercial Interests of the United States, have represented the necessity of extending the revision of the Federal System to all its defects; and have recommended that Deputies for that purpose be appointed by the several Legislatures, to meet in Convention in the City of Philadelphia, on the second day of May next; a provision which seems preferable to a discussion of the subject in Congress, where it might be too much interrupted by the ordinary business before them, and where it would besides be deprived of the valuable counsels of sundry individuals, who are disqualified by the Constitution or Laws of particular States, or restrained by peculiar circumstances from a seat in that Assembly: And whereas the General Assembly of this Commonwealth, taking into view the actual situation of the Confederacy, as well as reflecting on the alarming representations made from time to time by the United States in Congress, particularly in their Act of the fifteenth day of February last, can no longer doubt that the crisis is arrived at which the good people of America are to decide the solemn question, whether they will by wise and magnanimous efforts reap the just fruits of that independence, which they have so gloriously acquired, and of that Union which they have cemented with so much of their common blood; or whether by giving way to unmanly jealousies and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valour it has been accomplished: And whereas the same noble and extended policy, and the same fraternal and affectionate sentiments, which originally determined the Citizens of this Commonwealth to unite with their brethren of the other States in establishing a Federal Government, cannot but be felt with equal force now, as motives to lay aside every inferior consideration, and to concur in such further concessions and provisions, as may be necessary to secure the great objects for which that Government was instituted, and to render the United States as happy in peace, as they have been glorious in war:

SECT. II. *BE it therefore enacted by the General Assembly of the Commonwealth of Virginia,* That seven Commissioners be appointed by joint ballot of both Houses of Assembly, who, or any three of them, are hereby authorized as Deputies from this Commonwealth, to meet such Deputies as may be appointed and authorized by other States, to assemble in Convention at Philadelphia, as above recommended, and to join with them in devising and discussing all such alterations and further provisions, as may be necessary to render the Federal Constitution adequate to the exigencies of the Union; and in reporting such an Act for that purpose, to the United States in Congress, as, when agreed to by them, and duly confirmed by the several States, will effectually provide for the same.

SECT. III. *AND be it further enacted,* That in case of the death of any of the said Deputies, or of their declining their appointments, the Executive are hereby authorized to supply such vacancies. And the Governor is requested to transmit forthwith a copy of this Act to the United States in Congress, and to the Executives of each of the States in the Union.

C H A P. IX.

An ACT to enable the Citizens of this Commonwealth to discharge certain TAXES, by the payment of TOBACCO.

SECTION I. **W**HEREAS it is represented to the present General Assembly, that it will be a great relief to the citizens of this Commonwealth, to enable them to discharge the taxes now due for the year, one thousand seven hundred and eighty-six, under the act, intituled "*An act to amend and reduce the several acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act,*" with notes for inspected tobacco; and that this ease to the people may be given without lessening the public revenue, by fixing an equitable price on the tobacco to be received, having due regard to the selling price of that commodity at each of the warehouses within this State:

SECT. II. *BE it therefore enacted by the General Assembly,* That it shall and may be lawful for any person chargeable with any part of the taxes aforesaid, to discharge the same in Inspectors receipts or notes for good merchantable crop tobacco, not less than nine hundred and fifty pounds nett weight, and not inspected more than one year when offered in payment, at the rates hereafter mentioned: At Page's in Hanover town, Byrd's, Shockoe, Rockett's, Rocky Ridge, Manchester, and Warwick, on James river, at twenty-eight shillings per hundred: At Osborne's, on James river; at all the warehouses in and about Petersburg, on Appamattox; at all the warehouses on York river and Mattapony, from Newcastle to Poropotank, inclusive; at all the warehouses from Falmouth to Roy's, and Gibson's, on Rappahannock, inclusive; and at all the warehouses from the Falls of Potomack to Aquia, inclusive, at twenty six shillings per hundred: And at all the warehouses on the different rivers, creeks, or bays within this Commonwealth, not herein enumerated, at twenty-four shillings per hundred; except the warehouses hereafter mentioned, at which tobacco shall be received at the following rates, to wit, Rivanna, at twenty-two shillings per hundred; Lynch's, at twenty shillings per hundred; Crow's ferry, and Cresap's, at eighteen shillings per hundred; or in transfer receipts or notes for tobacco at the rate of one hundred and ten pounds for one hundred pounds of crop tobacco, at any public inspection within this Commonwealth.

SECT. III. *AND be it further enacted,* That all tobaccoes which may be received under this Act, at any of the Warehouses within the district, commonly called and known by the name of the Kentucky district (which tobacco shall be rated at twenty shillings per hundred) shall be paid to the Judges of the Superior Court of that district, to be by them applied in the first place, to the discharge of the expences of government incurred within that district, and the surplus, if any, to be by the said Judges paid into the Public Treasury. *AND* that the most effectual measures may be adopted for enforcing the collection of the taxes within the limits of the said district,

SECT. IV. *BE it enacted,* That when any collector shall have failed to account with the said Court, within the time prescribed by law, for the payment of taxes into the Public Treasury, that then the said Court shall be authorised to grant judgment, upon motion of the Attorney General of the district, and issue execution against such collector and his securities, provided they shall have ten days previous notice thereof.

SECT. V. *AND be it further enacted,* That the Sheriffs and Collectors of this Commonwealth, except the Sheriffs and Collectors of the district of Kentucky, shall give a receipt to each person from whom they collect the taxes, specifying in what the said taxes were paid; and shall make monthly returns, on oath, to the Courts of their respective Counties, of their collection, inserting in distinct columns of whom received, the amounts of the several articles paid, viz. Specie, Facilities, Warrants, Crop and Transfer Tobacco, with the marks, numbers, weights and warehouses, and shall also at the same time of making such return, make oath that he hath not directly or indirectly, sold, bartered, or exchanged, any article to or with the person or persons from whom he has collected taxes, except what was necessarily given in change. And in case any Sheriff or Collector shall fail making such return, the said Sheriff or Collector so failing, shall forfeit for every failure, the sum of fifty pounds, to be recovered by motion, on ten days previous notice being given, which the Attorney for the Commonwealth in the County where the failure shall be, is hereby required to make and prosecute, and the money so recovered shall be collected and transmitted by the Coroner of the County, to the Treasury, to be applied to public purposes; and any Sheriff being convicted of making a false return to the County Court, shall be liable to the same penalty, and shall moreover be forever thereafter disqualified from holding the office of Sheriff or Collector in this Commonwealth.

SECT. VI. *AND be it further enacted,* That the Clerks of the several Courts are hereby enjoined to fix up fair copies of the Sheriffs or Collectors monthly returns, in some conspicuous part of their respective Court houses, for public inspection, on the next Court day after such returns are made; they shall also file a copy thereof, and deliver another attested fair copy to the Sheriff or Collector, without which being first produced to the Auditor of Public Accounts, no Sheriff or Collector, or any person for him or them, shall be permitted to make any payment on account of his collection into the Treasury. Any Clerk neglecting to perform any of the duties hereby required of him, shall forfeit and pay the sum of twenty five pounds for every such neglect; to be recovered and applied in the same manner as the forfeitures herein inflicted on delinquent Sheriffs and Collectors.

CHAP. X.

An ACT to explain, amend, and reduce into one Act, the several Acts for the admission of EMIGRANTS to the rights of citizenship, and prohibiting the MIGRATION of certain PERSONS to this Commonwealth.

SECTION. I. **W**HEREAS it is the policy of all infant states to encourage population, among other means, by an easy mode for the admission of foreigners to the rights of citizenship; yet wisdom and safety suggest the propriety of guarding against the introduction of secret enemies, and of keeping the offices of government in the hands of citizens, intimately acquainted with the spirit of the constitution, and the genius of the people, as well as permanently attached to the common interest:

SECT. II. *BE it therefore enacted by the General Assembly,* That all free persons, born within the territory of this Commonwealth, all persons, not being natives, who have obtained a right to citizenship under the act, intituled "*An act declaring who shall be deemed citizens of this Commonwealth;*" and also all children wheresoever born, whose fathers or mothers are, or were, citizens at the time of the birth of such children, shall be deemed citizens of this Commonwealth, until they relinquish that character, in manner herein after-mentioned; and that all persons, other than alien enemies, who shall migrate into this state, and shall, before some Court of record, give satisfactory proof by oath (or being quakers or menonists, by affirmation) that they intend to reside therein, and also take the legal oath or affirmation, for giving assurance of fidelity to the Commonwealth (which oaths or affirmations, the Clerk of the Court shall enter on record, and give a certificate thereof to the person taking the same, and shall on or before the first day of October annually, transmit to the Executive a list of the persons who shall have taken the said oaths or affirmations, reciting their nation, and occupation (if any) to be by them entered in a book to be kept for that purpose, for which he shall receive the fee of one dollar;) shall be entitled to all the rights, privileges, and advantages of citizens, except, that they shall not be capable of election or appointment to any office, legislative, executive, or judiciary, until an actual residence in the state of five years from the time of taking such oaths, or affirmations, aforesaid,

said, nor until they shall have evinced a permanent attachment to the state, by having intermarried with a citizen of this Commonwealth, or a citizen of any other of the United States, or purchased lands to the value of one hundred pounds therein.

SECT. III. *PROVIDED always, and be it further enacted*, That no person whatsoever, having or holding any place or pension from any foreign state or potentate, shall be eligible to any office, legislative, executive, or judiciary, within this Commonwealth.

SECT. IV. *PROVIDED also*, That no merchant stranger, who hath or shall migrate to this Commonwealth, and become a citizen thereof, shall be entitled to any privilege or bounty which shall hereafter be granted to merchants citizens, until he shall have evinced a permanent attachment to this state, by intermarrying with a citizen of this Commonwealth, or a citizen of any other of the United States, or purchased landed property to the value of five hundred pounds therein. AND for the encouragement of useful artizans, mechanics, and handicraft tradesmen, to migrate into this Commonwealth,

SECT. V. *BE it further enacted*, That all and every such person or persons last mentioned, who shall hereafter migrate to this Commonwealth, shall be wholly exempted from the payment of any tax or duty on his or their tools or implements of trade, which he or they shall bring into this Commonwealth at the time of his or their migration thereto, and shall moreover be exempted from all taxes whatsoever, except the land-tax, for the space of five years next thereafter, if he or they shall so long continue the actual exercise of his or their trade or occupation therein. AND in order to preserve to the citizens of this Commonwealth that natural right which all men have of relinquishing the society in which birth or accident may have thrown them, and of seeking subsistence and happiness elsewhere, and to declare explicitly what shall be deemed evidence of an intention in any citizen to exercise that right;

SECT. VI. *BE it further enacted*, That whensoever any citizen of this Commonwealth shall, by deed in writing, under his hand and seal, executed in the presence of and subscribed by three witnesses, and by them, or two of them, proved in the General Court or the Court of the county wherein he resides, or by open verbal declaration made in either of the said Courts, to be by them entered of record, declare that he relinquishes the character of a citizen, and shall depart out of this Commonwealth, such person shall, from the time of his departure, be considered as having exercised his right of expatriation, and shall thenceforth be deemed no citizen.

SECT. VII. *AND be it further enacted*, That the act of Assembly, passed in the year one thousand seven hundred and seventy nine, intitled *An act declaring who shall be deemed citizens of this Commonwealth*, shall be, and the same is hereby repealed. AND WHEREAS it is just and necessary to prevent the admission into this state of those persons who, being either citizens or natives of some of the United States, have withdrawn themselves from their country, and actually been in arms, aiding and abetting the common enemy in their endeavours to subvert the rights and liberties of America;

SECT. VIII. *BE it therefore enacted*, That all persons who, having accepted a military commission from the United States, or any of them, or who having taken the oath of fidelity to any of the United States, or who having been natives of, or residents in any of the United States on the nineteenth day of April, in the year one thousand seven hundred and seventy five, or at any time since, have at any time during the late war voluntarily joined themselves to the fleets or armies of the King of Great Britain, or have voluntarily borne arms against the United States, or any of them, in any garrison, post, or fortification, or other place whatsoever within their territories, or on their coasts, or have been owner, or part owner, of any privateer or other armed vessel cruising against the said United States, or any of them and all and every person and persons who at any time acted as a member of the board commonly called the Board of Refugee Commissioners at New York, or under the authority, or by the direction of the said board, shall be, and they are hereby prohibited from migrating to, or becoming citizens of this Commonwealth; and all such persons shall be equally subject to the pains, penalties, and disabilities of this act, although they have been heretofore, or shall be hereafter admitted to take the oaths of fidelity to this Commonwealth in any Court of record within the same, as if they had never taken the same.

SECT. IX. *AND be it further enacted*, That all and every person and persons prohibited by this act from migrating to this Commonwealth, who shall be found within the same, shall and may be prosecuted in the General Court of this Commonwealth, as for a misdemeanor; and if, upon trial, such person or persons be found guilty of a breach of this act, such person or persons shall be imprisoned for a term not exceeding six months, in the public jail of this Commonwealth, without bail or mainprize, and may be fined at the discretion of the said Court, in any sum not exceeding one hundred pounds, and shall moreover stand committed until such fine be paid. And if the person or persons so convicted, shall be found at large in this Commonwealth, after the expiration of one year from the time of his or their conviction, or of one month from the time of his or their enlargement from jail, such person or persons shall be committed to the public jail, and upon proof being made of the identity of such person or persons, he or they shall be thereafter imprisoned in the public jail for the space of five years, without bail or mainprize, and shall moreover forfeit all his goods and chattels, lands and tenements, for the use of the Commonwealth. And if any person, prohibited by this act from migrating to this Commonwealth, shall institute any suit or action whatsoever in any of the Courts of this Commonwealth, against any citizen of this Commonwealth, or other person by law entitled to become a citizen thereof, the defendant or defendants may plead this act in bar of such action or suit; and if upon the trial of the cause it shall appear that the plaintiff is by this act prohibited from migrating to this Commonwealth, and that the cause of action arose within the same after the commencement of this act, the jury shall find for the defendant or defendants, and thereupon judgment shall be given against the plaintiff with treble costs of suit. And the Clerk of the Court in which such cause shall be tried, shall, within one month thereafter, transmit a copy of the record, together with the names of the witnesses sworn on the part of the defendant or defendants, to the Attorney General of this Commonwealth, who shall, at the next succeeding session of the General Court, file an information, or prefer an indictment to the grand jury, against the person or persons against whom such verdict and judgment shall have been given.

SECT. X. *AND be it further enacted*, That all persons resident in this or any other of the United States on the said nineteenth day of April, and not included in the above description, who are at present prohibited by law from migrating to this state, shall be, and they are hereby permitted to migrate into and enjoy all the rights of citizenship, except that they shall not be capable of voting for members to either House of Assembly, or of holding or exercising any office of trust or profit civil or military. *PROVIDED*, That nothing herein contained shall be construed so as to contravene the treaty of peace with Great Britain lately concluded.

SECT. XI. *AND be it further enacted*, That full and ample protection shall be given to all persons who shall come into this Commonwealth upon lawful business, except those who are prohibited by this act from migrating into this state. *PROVIDED*, That nothing herein contained shall be construed to divest any person of the rights of citizenship,

zenship, who hath legally obtained the same under two acts of Assembly, the one, intituled "*An Act for the admission of emigrants, and declaring their rights to citizenship*;" the other, intituled "*An Act prohibiting the migration of certain persons to this Commonwealth, and for other purposes*;" but that any person, who hath by deceit or collusion, or in any manner contrary to the true interent and meaning of the said recited acts, obtained the same, shall be prosecuted under this act.

SECT. XII. *AND be it further enacted*, That the act, intituled "*An Act to prohibit intercourse with, and the admission of British subjects into this State*," and also, so much of every other act or acts of Assembly, as comes within the meaning of this act, shall be, and the same is hereby repealed.

C H A P. XI.

An ACT to amend an act, intituled An act to repeal an act, intituled An act concerning ENTRIES and SURVEYS on the WESTERN WATERS, and for other purposes.

SECTION I. **W**HEREAS the act, intituled "*An act to repeal an act, intituled An act concerning entries and surveys on the Western Waters, and for other purposes*," requiring that the owners of entries shall appoint agents or attornies in each county where such entries are made, and notify such appointments to the principal surveyor of the county, by the first day of February, one thousand seven hundred and eighty seven, and declaring that on failure thereof, such entries shall be void, whereby many of the good people on the Western Waters, through ignorance of the said recited act, are likely to be injured by a forfeiture of their entries: For remedy whereof,

SECT. II. *BE it enacted*, That no entry shall be forfeited under the said recited act, for and during the term of two years, after the passing this act. - *See the acts of a former session 1784. Chap. 48. page 7. also acts session 1785. chap. page 27.*

C H A P. XII.

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An ACT to repeal the act for incorporating the PROTESTANT EPISCOPAL CHURCH, and for other purposes.

SECTION I. **B**E it enacted by the General Assembly, That the act, intituled "*An act for incorporating the Protestant Episcopal Church*," shall be, and the same is hereby repealed: Saving to all religious societies the property to them respectively belonging, who are hereby authorized to appoint from time to time, according to the rules of their sect, trustees, who shall be capable of managing and applying such property to the religious uses of such societies. *AND to guard against all doubts and misconstructions,*

SECT. II. *BE it further enacted and declared*, That so much of all laws now in force, as prevents any religious society from regulating its own discipline, shall be, and is hereby repealed.

C H A P. XIII.

An ACT to suspend an Act, intituled An Act for the ESTABLISHMENT of COURTS of ASSIZE.

SECTION I. **B**E it enacted by the General Assembly, That the Act, intituled "*An act for the establishment of Courts of Assize*," be, and the same is hereby suspended until the first day of January, in the year of our Lord, one thousand seven hundred and eighty eight: And that the General Court shall proceed in all things in the same manner, as if the said Act had never passed.

C H A P. XIV.

An ACT for affording PROTECTION from arrests to WITNESSES summoned to attend on orders for REFERENCE and SURVEYS.

SECTION I. **W**HEREAS it is reasonable that persons summoned to attend as witnesses on references, or surveys, to be made under an order of either the High Court of Chancery, General, County or Corporation Courts, of this Commonwealth, should be free from arrests during such their attendance:

SECT. II. *BE it therefore enacted*, That all and every such witness or witnesses, as well in coming to, or returning from, as during their attendance at such reference or survey, shall be privileged and free from arrests in like manner as witnesses attending on the said Courts.

SECT. III. *AND be it enacted*, That on application by the party, surveyor, or referees, interested in or acting under the order of any such Court, the Clerk of the Court from whence the order for a survey or reference shall issue, may and shall grant one or more subpoenas, as the case may require, commanding the attendance of the witness or witnesses, at such time and place as shall by the person requiring the said subpoena or subpoenas to issue, be directed.

And

And if any person, duly served with such subpoena, shall fail to attend at the time and place therein mentioned, he or she so failing, shall be liable to the same penalty, and to the like action for damages, as in case of non-attendance upon a trial in Court after having been regularly summoned thereto. AND WHEREAS, an abuse of those privileges which are granted for the furtherance of justice, ought to be carefully guarded against;

SECT. IV. *BE it further enacted*, That no person whatsoever attending any of the Courts in this Commonwealth, or upon any reference or survey, by order of any such Court, in virtue of any subpoena, shall be privileged from an arrest by original or other process, unless such person shall be actually a witness in the matter in such subpoenas expressed, nor unless the said subpoena shall have been first duly executed by a sworn officer, or by some other indifferent person who shall have made oath to the due execution thereof.

CHAP. XV.

An ACT to empower SECURITIES to recover DAMAGES in a SUMMARY WAY.

SECTION. I. **W**HEREAS many persons have been reduced from affluence to poverty, by securityships, and it frequently happens that the security or securities upon bonds, or other obligations, their heirs, executors, or administrators, have been compelled to pay the whole, or the greater part of the debt due upon such bonds or obligations, and in many cases have not been able, by the insolvency of the principal or principals, or a tardy administration of justice, to recover from them or their representatives, the whole or any part of the amount of such debts, whereby the said securities have been involved in great inconveniences, and often times in manifest ruin: For remedy whereof,

SECT. II. *BE it enacted*, That in all cases where judgment hath been, or shall hereafter be entered up in any of the Courts of record within this Commonwealth, against any person or persons, as security or securities, their heirs, executors, administrators, or assigns, upon any note, bill, bond, or obligation, and the amount of such judgment, or any part thereof, hath been paid or discharged by such security or securities, his, her, or their heirs, executors, administrators, or assigns, it shall and may be lawful for such security or securities, his, her, or their executors, administrators, or assigns, to obtain judgment by motion against such principal obligor, or obligors, his, her, or their heirs, executors, administrators, or assigns, for the full amount of what shall have been paid by the said security or securities, his, her, or their executors, administrators, or assigns, in any Court where such judgment may have been entered up against such security, or securities, his, her, or their heirs, executors, administrators, or assigns.

SECT. III. *AND be it further enacted*, That where the principal obligor, or obligors, have, or hereafter shall become insolvent, and there have been or shall be two or more securities jointly bound with the said principal obligor, or obligors, in any bond, bill, note, or other obligation, for the payment of money, or other thing, and judgment hath been, or hereafter shall be obtained against one or more of such securities, it shall and may be lawful for the Court before whom such judgment was or shall be obtained, upon motion of the party or parties, against whom judgment hath been entered up as securities aforesaid, to grant judgment, and award execution against all and every of the obligors and their legal representatives, for their and each of their respective shares and proportions of the said debt.

SECT. IV. *AND be it further enacted*, That no security or securities, his, her, or their executors, administrators, or assigns, shall be suffered to confess judgment, so as to distress his, her, or their principal, or principals, if such principal, or principals, will enter him, her, or themselves a defendant or defendants to the suit, and tender to the said security, or securities, his, her, or their executors, administrators, or assigns, other good and sufficient collateral security, to be approved of by the Court before whom the suit shall be depending. *Provided always*, That no judgment shall be obtained by motion as aforesaid, unless the party or parties, against whom the same is prayed, shall have ten days previous notice thereof.

CHAP. XVI.

An ACT to compel the CLERKS of inferior COURTS to perform certain duties, and for other purposes.

SECT. I. **W**HEREAS by an act of the General Assembly of this Commonwealth, intituled "*An act for establishing a General Court*," it is, among other things, enacted that when any person, other than a slave, charged with any criminal offence, shall be examined before a Court for that purpose to be convened and held, if it shall be the opinion of the Court, before whom such persons shall be examined, that he or she ought to be tried in the General Court, such examining Court shall cause the depositions of the witnesses to be taken, and bind such as they shall think proper by recognizances, to appear and give evidence against such person at his or her trial, which duty hath heretofore been in great measure neglected, whereby great inconveniences and delays have been incurred in the administration of justice: For remedy whereof,

SECT. II. *BE it enacted*, That when any person, other than a slave, charged with any criminal offence, shall be examined before any Court for that purpose convened and held pursuant to the directions of the said recited act, if the Court before whom such person shall be examined shall be of opinion that the prisoner ought to be tried in the General Court, they shall cause the Clerk of the Court to take the depositions of all such witnesses as shall be by the said Court bound in a recognizance to appear and give evidence against such prisoner at his trial; copies of which depositions so taken, the said Clerk shall within ten days thereafter transmit to the Clerk of the General Court, together with copies of the recognizances of such witnesses, and also a copy of the recognizance of such prisoner, if he or she shall be by the Justices of the said Court admitted to bail, and in case of failure in either case, such Clerk shall forfeit the sum of twenty five pounds, for the use of the Commonwealth, to be recovered with costs, on motion in the General Court by the Solicitor or Attorney General on behalf of the Commonwealth; provided such Clerk have ten days previous notice thereof. And the Clerk of the General Court shall immediately on the receipt of such copies of depositions, transmit other copies thereof to the Attorney General.

neral, for the use of his office. AND WHEREAS the omission of the name of the parish, town, ville or hamlet, in which any crime or offence is supposed to be committed, hath been conceived to be fatal in indictments for such crimes or offences, and there being in several counties within this Commonwealth neither parish, town, ville or hamlet;

SECT. III. *BE it therefore enacted*, That no indictment for high treason, petty treason, misprision of treason, murder, or other felony or offence whatsoever, shall be quashed for the omission of the name of any parish town, ville or hamlet, within any county of this Commonwealth; nor shall such omission, after conviction on such indictment, be any cause to stay or arrest judgment; nor shall any judgment on such indictment be liable to be reversed on a writ of error, by reason of such omission; nor shall any judgment in any Court within this Commonwealth, be reversed by writ of error or otherwise, because of any such omission in any declaration, count or plea whatsoever.

C H A P. XVII.

An ACT to amend the Act, intituled an Act to provide for the POOR of the several COUNTIES within this COMMONWEALTH.

SECTION I. **W**HEREAS the act passed at the last session of Assembly, to provide for the poor within this Commonwealth, hath been found inadequate to their relief;

SECT. II. *BE it enacted by the General Assembly*, That where no election of Overseers of the Poor hath been made according to the direction of the said act, it shall and may be lawful for the court of such county, at any future session, to divide the same, and do such other acts as were directed by the said act for the appointment of Overseers. That where there is or shall be a vacancy in any appointment of Overseers already made, or hereafter to be made, by reason of the person chosen refusing to serve or otherwise, the court of the county, wherein the same shall be, is hereby required to have the same filled up in the manner prescribed by the said act for the original appointment. That the time of service, as fixed by the aforesaid act, shall in all cases be computed from the first day of April last, and the general elections shall in all cases be computed from the first day of April, in the year in which they shall be made, notwithstanding the time of service shall thereby be made shorter than the said act directs; that all appointments made for filling up vacancies, and all elections made between the general triennial elections, shall be for the time which shall be unexpired of the three years, and no longer. The county court may at any session within six months before the first day of April, which will be in the year in which the general election of Overseers is to be held, enter into the measures directed by the said act for regulating the said elections, and may fix some convenient day for holding the same. And the person, who has been or shall hereafter be appointed to superintend any election, shall return the names of the person or persons chosen, to the clerk of the county, who shall thereupon issue a writ to the sheriff of the county, commanding him that ten days before the ensuing court day, he shall inform the said person or persons that he or they hath or have been elected Overseer or Overseers of the Poor, and require him or them to appear at the next court day, and make oath that he or they will truly and faithfully administer the said office. And if the said person or persons, or either of them, being summoned, shall not appear, or shall appear and refuse to qualify as aforesaid, the same rules shall be observed by the court in supplying such vacancies, as well as vacancies which may happen by resignation, as is before directed. And the Overseers of each district, or such of them as shall have qualified, shall between the months of April and August, in each year, levy and assess upon the tithables within their county (the list of which shall be furnished them by the clerk of the county) competent sums of money, or tobacco in lieu thereof, at a stated price, to be paid at the option of the party chargeable therewith, for the necessary relief and support of such poor, lame, blind, and other inhabitants of the said district as are not able to support themselves, and for such contingent expences as may probably arise before the succeeding levy. Where no levy has been made for the present year, it shall and may be lawful for the Overseers of each district to provide in the succeeding levy for the payment of all such reasonable sums as shall be expended on the poor of the districts after the first day of January next. And the said Overseers shall return to the court of the county a list of the persons to and for whom such monies are to be paid, the purposes for which, and the particular sums, with the amount of the sum to be levied for contingent expences, which list shall be kept for and be open to all persons interested therein; and the clerk of the county shall unite the several levies returned from the different districts in the county, and make out a list of the persons and property chargeable therewith, for the use of the public collector, who shall be bound by the terms of the said act, and have the powers thereby given.

SECT. III. *BE it further enacted*, That the Overseers of each district shall provide for the poor, lame, blind, and other inhabitants of the district not able to maintain themselves, and may also provide houses, nurses and doctors, in such cases as they, or a majority of them, shall think necessary; the expences of which, if the contingent fund shall be insufficient, shall be provided for in the succeeding levy. If any poor person shall suppose that he or she is entitled to the benefit of the laws for the relief of the poor, and the Overseers of the district, in which he or she resides, shall refuse to give such person the benefit thereof, upon application of such person, the county court may, if they think proper, direct the Overseers to receive him or her upon their lists of poor, and until the next levy provide for him or her out of the contingent fund. That the Overseers of each district shall take effectual measures to prevent the poor resident within the same from strolling into another county; and each of the Overseers within a county shall have the same power of sending away poor persons not resident therein, and the same redress against the Overseers of the district, in which they have residence, as the churchwardens of any parish formerly had in similar cases. Where any dispute shall arise respecting the residence of any poor persons, the court of any county adjacent to either of the counties interested therein, is hereby authorised and required to take cognizance thereof, and they are hereby vested with all powers, which would belong to the General Court if this provision had not been made; and all power of determining questions of residence, except on appeal from the court of such county, is hereby taken from the General Court.

SECT. IV. *BE it further enacted*, That the Overseers of the poor of each district, shall monthly make returns to the court of their county, of the poor orphans in their district, and of such children within the same, whose parents they shall judge incapable of supporting and bringing them up in honest courses. And the said court is hereby authorised to direct the said Overseers, or either of them, to bind out such poor orphans and children apprentices to such person or persons as the court shall approve of, until the age of twenty one years, if a boy, or eighteen years, if a girl. The indentures of such apprentices shall contain proper covenants to oblige the persons to whom they shall be bound, to teach them some art, trade or business, to be particularised in the indentures, as

also

also reading and writing, and, if a boy, common arithmetic, including the rule of three, and to pay to him or her, as the case may be, three pounds and ten shillings at the expiration of the time of service.

SECT. V. *BE it further enacted*, That where no settlement has been made by the late churchwardens of their parochial accounts, conformably to the said act, any Overseer within the county, shall have power to call a meeting of the Overseers of the county, to be held at the court-house on a certain day, and to call on the said churchwardens to attend the same, for the purpose of settling their said accounts. The time of meeting shall be at least one month after notice to the churchwardens; and in case there shall be a majority of the Overseers so assembled, and the churchwardens summoned as aforesaid, shall delay or refuse to come to such settlement, the county court, on the motion of any Overseer, shall render judgment against such churchwardens for the balance which shall appear by the vestry-books to be due, and for which sufficient vouchers cannot be produced, with costs of suit. And if, after settlement made, they shall refuse to pay the balance, which shall appear to be due on such settlement; the county court, on motion of any Overseer, shall render judgment for the same with costs; Provided, that in the cases before mentioned, the churchwardens shall have had ten days notice that such motion would be made. Any money so recovered, may be applied to the use of any district; and the Overseers, who shall use the same, shall render account thereof, as of money received for the use of their district. The Overseers of each district, shall in the month of June in each year, settle their accounts with the county court, and the money, which shall remain in their hands, or in the hands of the collector of the public taxes, unappropriated, shall be deducted from the rate to be made for the ensuing year.

C H A P. XVIII.

An ACT to amend the act, intituled an act to amend the act concerning PENSIONERS.

SECTION I. *BE it enacted by the General Assembly*, That from and after the passing of this act, the Auditor of Public Accounts shall annually before the last day of January, transmit to the clerks of the several counties within this Commonwealth, a general list of pensioners; and every pensioner shall annually in February or April, apply in person, or if an orphan, by his or her guardian, to the court of the county wherein he or she resides, and exhibit the certificate upon which his or her claim is founded, and make oath that he or she is the person to whom it was given; or where such person shall be unable to attend, he or she shall make the like oath before a Magistrate, and the court, upon comparing the certificate with the list transmitted from the Auditor, and finding it to be right, shall order it to be recorded, and direct the sheriff to pay the pension; a copy of which order shall be given to the pensioner: Whereupon the sheriff shall make payment thereof, and take a receipt on the said order, and be entitled to credit for the same in the settlement of his accounts with the Auditor.

SECT. II. SO much of the above recited act, as comes within the purview of this act, shall be, and the same is hereby repealed.

C H A P. XIX.

An ACT To enable the Solicitor more effectually to collect the ARREARAGES of the TAXES, and proceed against public DELINQUENTS.

SECTION I. *WHEREAS* the laws enabling the Solicitor to proceed against public delinquents, have been hitherto ineffectual, the consequence of which has been a vast accumulation of arrearages of taxes in the hands of the several sheriffs and collectors:

SECT. II. *BE it therefore enacted by the General Assembly*, That it shall and may be lawful for the General Court, on the tenth day of their sessions in October and April, and on the first day of their sessions in June and December, to give judgment with costs, at the motion of the Solicitor, on ten days previous notice, against any person or persons indebted to the Commonwealth, by bond, note, or any other written specialty, whether the same be taken in the name of the Governor, Treasurer, or any other person acting in any public character, for or on behalf of the Commonwealth; and also to give judgment in like manner for all bills of exchange, notes, or other specialties, and for the penalty of all bonds entered into by any person or persons, conditioned for the rendering of accounts or for other duties.

SECT. III. *AND be it enacted*, That where any person or persons have been, are, or may hereafter be indebted to the Commonwealth, either in specie, or in other articles collected or otherwise received for and on behalf of the Commonwealth, and such person or persons on a settlement with the Auditor, have obtained a quietus, and where judgment hath been or may be obtained in favour of the Commonwealth, and the amount thereof adjusted and discharged, either before or after the issuing of the execution, whereby a quietus may have been or shall hereafter be obtained by the party or parties, and it shall afterwards appear that an error or mistake had been committed to the prejudice of the Commonwealth in the settlement of such account, judgment, or execution, in all or any of these cases, it shall and may be lawful for the General Court to give judgment, on motion, with ten days previous notice, for the amount of such error or mistake, without interest or damages thereupon, the same being proved to the satisfaction of the court.

SECT. IV. *AND be it further enacted*, That when it shall appear after settlement, that by error or mistake, any person may or shall have paid more to the Commonwealth, than was really due, such person shall have the same remedy, by motion, with notice against the Solicitor, as is by this act given to the Commonwealth.

C H A P. XX.

An ACT for reviving and continuing the act for adjusting CLAIMS for PROPERTY impressed or taken for public service.

SECTION I. **W**HEREAS the act of Assembly, passed in the year one thousand seven hundred and eighty one, intituled "An act for adjusting claims for property impressed or taken for public service," which has been continued by several subsequent acts, expired on the first day of September last, and it is expedient that the same should be revived and continued;

SECT. II. *BE it therefore enacted*, That the said recited act shall be revived, and continue and be in force until the first day of September next.

SECT. III. *AND be it further enacted*, That the Auditors shall issue certificates on claims audited by the County Courts since the first day of September last, in like manner as if the before recited act had not expired.

C H A P. XXI.

An ACT for giving further time to officers, soldiers, sailors, and marines, to settle their ARREARS of PAY and DEPRECIATION, with the Auditor of Public Accounts.

SECTION I. **B**E it enacted by the General Assembly, That it shall and may be lawful for the Auditor of Public Accounts, and he is hereby required, to liquidate all just claims of officers, soldiers, sailors, and marines, and of those of the staff department, who are entitled by law to arrears of pay and depreciation, that shall be presented to him on or before the first day of December, one thousand seven hundred and eighty seven, and to grant certificates as usual for what shall be due thereon; the said claims having been first allowed by the Commissioner or Commissioners appointed to examine the same. *PROVIDED* always, that application for such certificates be made by the claimant in person, or by his written order, assignment, or his legal representative.

C H A P. XXII.

An ACT concerning the claims to full pay of certain OFFICERS, and to half pay of the WIDOWS and ORPHANS of officers that died in the service.

SECTION I. **B**E it enacted by the General Assembly, That the Auditor of Public Accounts is hereby authorized and required to issue warrants to widows and orphans, entitled thereto under the act of Assembly passed in October session, one thousand seven hundred and eighty, for making good the future pay of the army, and for other purposes; any law to the contrary notwithstanding. *AND WHEREAS* by the construction of an act, intituled "An act to amend the act concerning pensioners," a few meritorious disabled officers, in indigent circumstances, who, on full proof of their merits and necessities, had been by a preceding Assembly directed to receive full pay for life, are deprived thereof;

SECT. II. *BE it therefore enacted*, That so much of the said recited act, as is construed to deprive those officers, who were before entitled to full pay, from receiving the same, shall be and is hereby repealed.

C H A P. XXIII.

An ACT to amend the act, intituled An act to authorize the AUDITORS to grant new WARRANTS and CERTIFICATES in certain cases.

SECTION I. **B**E it enacted by the General Assembly, That the Auditor of Accounts shall not hereafter issue warrants for interest on any certificates, on which duplicates have been issued agreeable to law; but the Auditor, when the original certificates are presented for warrants, shall retain the same in his office.

SECT. II. *And be it further enacted*, That hereafter no warrants or certificates shall be granted by the Auditor in lieu of such as may have been lost or destroyed, under the act to authorize the Auditors to grant new warrants and certificates in certain cases, which was passed in the year one thousand seven hundred and eighty three.

C H A P. XXIV.

An ACT for ascertaining and liquidating the CLAIMS of the SUFFERERS by the destruction of TOBACCO at BYRD'S WARE-HOUSES, and to suspend the re-building of the said Ware-Houses.

SECTION I. **B**E it enacted by the General Assembly, That Nathaniel Wilkinson, Foster Webb, Junior, John Harvie, Daniel Lawrence Hylton, John Marshall, and James Buchanan, Gentlemen, be, and they are hereby appointed Commissioners, to ascertain and liquidate the claims of the proprietors of tobacco lately

lately destroyed by the burning of Byrd's warehouses, in the city of Richmond, and the said Commissioners, or any three of them, are hereby empowered to meet at such time and place as they shall see fit, (public notice thereof having been given previously for four weeks in the Virginia Gazette) to ascertain and settle the accounts of all claimants under this act; and they shall be further authorized to examine any person or persons they shall think necessary for their information in all things relative to the said claims, and to administer an oath or affirmation, as the case may require, to any person or persons for the better discovering the true quantity of the tobacco so destroyed.

SECT. II. *AND be it further enacted*, That in stating the said accounts, the Commissioners, or any three of them, shall and they are hereby directed and required, to express the value of the tobacco at the time it was destroyed, specifying the quantity of crop and transfer tobacco separately; which accounts the said Commissioners, or any three of them, shall return under their hands and seals to the next session of the General Assembly.

SECT. III. *AND be it further enacted*, That for the ease and convenience of the Commissioners in this act mentioned, they are hereby empowered to appoint a clerk, who shall keep a record of their proceedings, to be laid before the next session of the General Assembly.

SECT. IV. *AND be it further enacted*, That the re-building of Byrd's warehouses shall be suspended until the end of the next session of General Assembly. *AND WHEREAS* it is represented to the General Assembly, that the loss of Byrd's warehouses will augment the duty of the Inspectors at Shockoe and Rockett's, so much as to render them inadequate thereto: For remedy whereof,

SECT. V. *BE it enacted*, That one of the Inspectors at Byrd's warehouses shall attend at Shockoe, and the other at Rockett's Inspections, for the present year, as Assistant Inspectors to those already commissioned at the said warehouses respectively, for which they shall be allowed the same salaries heretofore given them by law.

C H A P XXV.

An ACT for appointing COMMISSIONERS to receive subscriptions for the purpose of opening a ROAD from the falls of the Great Kanawa to Lexington, in Fayette county.

SECTION I. *WHEREAS* the opening a more direct and ready communication with the Kentucky district, will be greatly facilitated, and the distance to that country rendered shorter and safer, by establishing a public road from the falls of the Great Kanawa to the town of Lexington, in the county of Fayette, and it is represented that such a road may be cut and maintained by private subscription:

SECT. II. *BE it therefore enacted by the General Assembly*, That John Marshall, jun. Henry Banks, Alexander St. Clair, Robert Gamble, John Stuart, William Renick, William Morris, James Armstrong, Joseph Crocket, James Wilkison, Edmund Lyne, James Garrard, Isaac Cox, Andrew Hynes, John Jouett, Gabriel Madison, John Campbell, Richard Terrel, George Adams, Green Clay, Benjamin Logan, Isaac Shelby, and George Clendinen, gentlemen, be appointed Commissioners, who are severally authorized and empowered to open and receive subscriptions for that purpose. Each of the said Commissioners, before he enters upon the duty assigned him, shall enter into bond with good security, payable to the Governor and his successors, in a reasonable penalty, conditioned for the faithful execution of his office, to be recorded in the Court of the county in which he may reside, and moreover shall take an oath before such Court to the like effect; a certificate of which oath taken, and bond given, under the hand of the Clerk, shall be shewn to every subscriber. It shall be lawful for the said Commissioners, or a majority of them, to contract with such and so many proper persons to survey, mark, clear and open the said road, as to them shall seem fit; and for that purpose to apply the subscriptions taken, as far as the same will go, taking bond with good security from the undertaker for the performance of their trust. The said Commissioners shall return an account of their proceedings and disbursement of the subscriptions pursuant to this act, to the Supreme Court of the Kentucky district, there to be recorded; and shall cause the said road to be finished and compleated on or before the first day of January one thousand seven hundred and eighty nine. If any subscriber shall fail or refuse to pay up his subscription at the time specified, it shall be lawful for the said Commissioners to recover judgment against any such delinquent subscriber for the sum of money or value of the specific thing subscribed, in any Court of record, upon motion, and ten days previous notice, upon which judgment execution shall go, endorsed by the Clerk "no security to be taken."

C H A P. XXVI.

An ACT imposing new TAXES.

SECTION I. *BE it enacted by the General Assembly*, That there shall be paid by the owners of riding carriages as they shall be in possession of on the ninth day of March next, and also on the ninth day of March in each succeeding year, after the following rates, to wit: For every coach or chariot, an additional tax of five dollars a wheel; for all other riding carriages with four wheels, except those used for the purposes of agriculture, an additional tax of three dollars a wheel; for all other riding carriages with two wheels, an additional tax of one dollar a wheel. Every person failing to render and give in to the persons who now are or hereafter may be appointed by law to receive an account of the taxable property, a true and just account of the carriages he or she may be possessed of on the day above mentioned, shall for every such offence, forfeit and pay four times the amount of the tax that would have been due for the said carriage, if it had been given in agreeable to this act. *PROVIDED*, That nothing herein contained shall be construed to subject the maker of any such carriage to the payment of the said tax, during the time that any such carriage shall remain in his possession.

SECT. II. *AND be it further enacted*, That the Clerks of the Court of Appeals, Court of Chancery, General Court, of the respective County Courts, and each of the Corporation Courts, shall account for and pay annually into the Treasury, one third of the amount of what they shall actually have received for their fees for services performed in the preceding year. And that the said amount may be justly ascertained, the said Clerks shall, on or before the first day of September, in each year, make out a fair account of the amount of their fees for the preceding year, as also of the sums that they may have received for the same, likewise of the sums that they may have

received for arrears of fees that may become due after the passing of this Act; which account the Clerks of the Court of Appeals, Court of Chancery, and General Court, shall give in to the Commissioners of the tax (directed to be appointed by an Act, *To amend the Act for ascertaining certain taxes and duties, and for establishing a permanent Revenue,*) for the County of Henrico, and the other Clerks to the Commissioners, appointed as aforesaid, for the Counties where each of the said Courts is held. And the said Commissioners, or any one of them, having compared the said account with the fee book of the said Clerk's, shall certify the same to the County Court; whereupon, the said Clerk making oath that the said account contains a true list of all fees charged or received by him for services performed in the preceeding year, as also of all sums received by him since his last settlement for fees due for services performed after the passing of this Act, and which were not accounted for before, the said Court shall order the said account to be certified, and the said Clerk shall on or before the first day of October, in each year, deliver in the said account so certified to the Auditor of Public Accounts, and pay at the same time into the Treasury, the sum which by the said account shall appear to be due from him. Every Clerk failing to render such account, or to pay into the Treasury the sum which he shall thereby appear to be indebted to the State at the time aforesaid, shall for every such offence, forfeit and pay the sum of five hundred pounds, to be recovered, by motion of the Solicitor General, in the same manner that is used against delinquent Sheriffs.

SECT. III. *AND be it further enacted,* That every practising Attorney, at any Court within this Commonwealth, before he shall be permitted to appear for the plaintiff or defendant in any matter depending in the said Court, wherein a fee may be by law taxed in the bill of costs, shall pay down to the Clerk of the said Court, one tenth part of the amount of the said fee, which proportion of the legal fee shall be paid by every Attorney appearing on either side. *AND* that the said fees may be faithfully accounted for,

SECT. IV. *BE it enacted,* That the Clerk of each Court shall be answerable for the amount of the said tax, although he may not have received the same; and the said Clerk shall, in the minutes of the proceedings of the said Court, and also in his rule-book, in all such contests where Attornies fees might be charged, enter the names of all the Attornies who appeared on either side, and where no such entry shall be made by the said Clerk, he shall be accountable for the amount of what ought to have been paid by two Attornies, unless it shall appear that no Attorney did appear. And the Clerk of each of the said Courts, shall, on or before the fifteenth day of March, and the fifteenth day of September, in each year, settle with the Commissioners of the tax aforesaid, in manner before directed; which account, having by the said Commissioners been compared with his memorandum-book, rule-book, and minute-book, and found to be right, shall be certified to the Courts, where the Clerk having made oath to the same, it shall be certified by order of the Court, returned by the Clerk to the Auditor within thirty days thereafter, and accounted for to the Treasurer, under the penalties above directed.

SECT. V. *AND be it further enacted,* That there shall be a tax of five pounds paid by every practising Physician, Apothecary, or Surgeon, within this State; and that every person, coming under either of the above descriptions, shall enter himself as such in his list of property directed to be given in to the Commissioners by the act aforesaid; and every such person failing so to do, shall forfeit and pay the sum of twenty pounds, to be recovered in the Court of the County where he resides, on the motion of the said Commissioners, or either of them; the party moved against having had ten days notice of such motion.

SECT. VI. *AND be it further enacted,* That instead of the tax now paid upon houses and lots in towns, from and after the passing of this Act, there shall be paid on every such lot and house, five pounds in the hundred upon the amount of the rent of each house and lot respectively; the amount of the said rent, where any such house or lot is leased, to be ascertained by the rent paid by the tenant, and where such house and lot is in the occupation of the proprietor, the yearly rent or value shall be ascertained by the Commissioners appointed as aforesaid, or either of them, by a comparison of its value with other houses or lots actually rented. *PROVIDED,* That the owner or proprietor of any such house or lot, if he thinks himself aggrieved by such valuation, may appeal to the County Court, whose judgment as to the yearly rent or value shall be final. And the said Commissioners, or either of them, to ascertain the rent paid on houses or lots actually leased, may call on the tenant or proprietor to declare upon oath, or solemn affirmation, what is the amount of the rent paid for the same; and every person so called upon, and refusing to declare, shall forfeit and pay the sum of one hundred pounds, to be recovered by motion, on ten days previous notice to be made by the Commissioners, or either of them.

SECT. VII. *AND be it further enacted,* That every retail merchant within this State, shall annually take out a license for that purpose from the Court of the County or Corporation in which he resides; and if any such merchant shall after the first day of April next, retail any goods, wares, or merchandise within this State, without having first taken out such license, or having renewed it at the end of each year, every such merchant so offending, shall forfeit and pay the sum of forty pounds, to be recovered by the motion of the Commissioners aforesaid, or either of them, on ten days previous notice. And the said retail merchants, shall each of them pay for the license aforesaid, at the time it is first granted, and on its renewal each year afterwards, the following rates: Every retail merchant, being a citizen of this State, or of any of the United States, or being a citizen of any nation, which hath entered or may hereafter enter into a commercial treaty with the United States, shall pay the annual sum of five pounds; and every retail merchant, or factor, being a citizen of, or belonging to any nation not having entered into a commercial treaty with the United States, shall pay the annual sum of twenty pounds; to be received, accounted for, and paid by the respective clerks in the manner and under the penalties prescribed for the payment of the taxes imposed on Attornies by this Act. All penalties imposed by this act, shall go, one half to the use of the Commonwealth, and the other half towards lessening the county levy, where the judgment shall be recovered. All Acts contrary to this Act, shall be, and are hereby repealed.

C H A P. XXVII,

An ACT to amend the act, intituled An act imposing NEW TAXES.

SECTION I. **W**HEREAS it is judged expedient to explain and amend an act, passed at the present session of the General Assembly, intituled "*An act imposing new Taxes;*"

SECT. II. *BE it enacted by the General Assembly,* That no clerk shall be obliged to account for any fees received or due for services performed prior to the first day of January, one thousand seven hundred and eighty-seven.

SECT. III. *AND be it further enacted,* That no practising Attorney shall be obliged to pay any proportion of the legal fee on any suit, which shall have been commenced in any court within this Commonwealth, prior to the said first day of January, one thousand seven hundred and eighty-seven.

SECT. IV. *AND be it further enacted,* That all clerks within this Commonwealth, shall be allowed a commission of five per centum, on all monies paid by them into the Treasury, by virtue of the said act.

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C H A P. XXVIII.

An ACT to raise a SUPPLY of MONEY for the UNITED STATES in CONGRESS assembled.

SECTION I. **W**HEREAS it has become indispensably necessary, in the present emergency of affairs, to make immediate provision for the sum of ninety thousand dollars, in compliance with the requisition of Congress, of the twenty first of October last;

SECT. II. *BE it therefore enacted*, That from and after the tenth day of January, one thousand seven hundred and eighty seven, an additional duty of six shillings per hoghead on every hog head of tobacco passed at and shipped from any public warehouse within this Commonwealth, shall be paid to the Inspectors, at such warehouses respectively for the time being, at the time of delivering out the said tobacco for exportation, to be accounted for by the said Inspectors, and paid into the Public Treasury at the following periods, to wit, the first day of March, the first day of October, and the thirty first day of December; for which they shall be allowed two and a half *per centum*, on the amount of the sums paid by them into the Treasury, for their trouble, to be credited in the settlement of their accounts with the Treasurer.

SECT. III. *AND be it further enacted*, That the several Inspectors shall, in the court of their county, enter into bond in the penalty of one thousand pounds, with sufficient security, with condition for the true and faithful collection and accounting for the duties imposed by this act; which bond shall be by the clerk of the court transmitted to the Auditor of Public Accounts within one month thereafter. Any Inspector failing or neglecting so to do, shall forfeit and pay the sum of one hundred pounds, to be recovered with costs, by motion, in any court of record within this Commonwealth, on giving ten days notice of such motion. And if any Inspector shall fail or neglect to account with the Treasurer for the duties aforesaid, at the stated periods before mentioned, he or they so failing or neglecting, shall be liable to a judgment, on the motion of the Solicitor, either in the General Court, or Court of the County where such delinquent shall reside; provided that ten days previous notice be given of such motion. *Provided also*, That this act shall continue and be in force until the end of the year, one thousand seven hundred and eighty seven, and no longer.

C H A P. XXIX.

An ACT to impose certain DUTIES.

SECTION I. **B**E it enacted by the General Assembly, That there shall be paid an additional duty of two pence per gallon on all spirituous liquors, subject by law to a duty, which shall be imported into this Commonwealth after the twentieth day of January, one thousand seven hundred and eighty seven, except French brandies imported from some port within the dominions of the King of France, in vessels belonging to subjects of the said King, or to citizens of the United States; which brandies so imported, shall, after the said twentieth day of January, be duty-free.

SECT. II. *AND be it also enacted*, That three pence a pound on all cheese, and six pence a pound on all tea, imported into this Commonwealth, shall be paid after the said twentieth day of January; also a duty of three shillings per hundred, on all imported hemp, and four shillings on all imported cordage; which duties shall be appropriated to the payment of the interest of the military debt.

SECT. III. *AND be it further enacted*, That from and after the twentieth day of January, one thousand seven hundred and eighty seven, every master or owner of a ship or other vessel, coming into this Commonwealth, shall pay down to the Naval Officer with whom he enters, two shillings per ton on every vessel owned wholly by citizens of this State or the United States; three shillings per ton on all vessels owned wholly by the subjects of any foreign power in commercial treaty with the United States; and six shillings per ton on all vessels owned wholly or in part by the subjects of any foreign power not in commercial treaty with the United States; which said tonnage shall be in lieu of all former tonnage hereunto imposed, except the tonnage of six pence per ton, imposed by an act of the present session of Assembly, for the support of a light-house.

C H A P. XXX.

An ACT concerning the DUTIES on SALT, WINE, and MALT LIQUORS.

SECTION I. **B**E it enacted, That from and after the twentieth day of January, one thousand seven hundred and eighty seven, there shall be paid three pence upon every bushel of salt imported into this Commonwealth, in lieu of the duty heretofore paid upon the said article.

SECT. II. *AND be it further enacted*, That an additional duty shall be paid of four pence per gallon on all wines, except French wines, imported into this Commonwealth in bottoms belonging to French subjects, or citizens of the United States; and an additional duty also of four pence per gallon on all beer, ale, porter, or other malt liquors, imported into this Commonwealth, and not being the manufacture of any of the United States; which said duties shall be appropriated in the same manner as the duty heretofore imposed on salt.

C H A P. XXXI.

An ACT to impose an additional DUTY of two per cent. ad valorem, on GOODS, WARES, and MERCHANDISE, imported into this Commonwealth.

SECTION I. *BE it enacted by the General Assembly,* That after the twentieth day of January, one thousand seven hundred and eighty seven, there shall be paid, or secured to be paid, on all goods, wares, or merchandise, imported into this Commonwealth, in any ship or other vessel, owned wholly or in part by a subject or citizen of any state or power not in commercial treaty with the United States, to the naval officer where such ship or other vessel shall enter, an additional duty of two per cent. *ad valorem.*

C H A P. XXXII

An ACT concerning DUTIES on TOBACCO.

SECTION I. *BE it enacted by the General Assembly,* That all and every Inspector or Inspectors, who have collected and actually paid, or shall hereafter pay into the public Treasury, the duty of three shillings a hoghead on tobacco exported up to the month of October last, shall be, and they are hereby indemnified and saved harmless from all and every suit or suits at law commenced, or to be commenced against him or them, for and on account of the aforesaid duty of three shillings.

C H A P. XXXIII.

An ACT to explain the act for reforming certain PUBLIC BOARDS, and for other purposes.

SECTION I. *WHEREAS* doubts have arisen respecting the duty of the Solicitor :

SECT. II. *BE it therefore enacted by the General Assembly,* That until the Solicitor's Office shall be discontinued by the Executive, it shall and may be lawful for the said Solicitor, and he is hereby required, to proceed to execute the duties of his office agreeably to the directions of the act of Assembly passed at the October session, one thousand seven hundred and eighty, intituled "*An act for the more effectual collection of taxes and public dues,*" any act to the contrary or seeming to the contrary, notwithstanding. *AND WHEREAS* the mode of keeping the Treasurer's accounts in the Auditor's Office, by carrying to his credit all warrants as they are issued, represents a false balance in favour of the Treasurer, perplexes the whole system of public accounts, and may operate to the detriment of the Commonwealth: For remedy whereof,

SECT. III. *BE it enacted,* That the Treasurer shall not be credited by the Auditor for any warrant until payment thereof shall be notified in the following manner, that is to say, a Committee of the Executive, consisting of not less than two members, shall once in every three months attend at the Treasury Office, and ascertain from the books of that office the amount and different species of warrants paid by the Treasurer, and certify the same to the Auditor, who shall thereupon enter such payments to the credit of the Treasurer, and of the several general accounts to which those warrants are respectively charged.

SECT. IV. *AND be it further enacted,* That from and after the first day of March next, the whole business of the Auditor's Office shall be conducted by the Auditor of Public Accounts, who shall give bond with such security as shall be approved by the Governor, with the advice of the Council, in the sum of ten thousand pounds, payable to the said Governor or his successors, in trust, for the use of the Commonwealth, conditioned for the faithful discharge of the duties of his office; which bond shall be recorded in the General Court. And the said Auditor is hereby directed and required to keep separate and distinct accounts with all public collectors or other individuals, being either debtors to, or creditors of the public; and also to keep separate and distinct accounts of all monies paid into each fund, and charge the said fund with all warrants drawn thereon, in books for that purpose.

SECT. V. *AND be it enacted,* That the said Auditor shall, on the last day of September in every year, balance all the accounts on his books, in order to ascertain what sums are due to and from the Commonwealth, and carry the said balances into a new set of books, to be opened by him the first day of October annually.

SECT. VI. *AND be it further enacted,* That the Treasurer shall keep separate and distinct accounts of all monies, warrants, or other articles received by him on account of the public, and carry the same to the credit of the respective funds, to which they are by law appropriated; and that the said Treasurer shall on no pretence whatsoever interfere with the said funds contrary to the appropriations made thereof.

SECT. VII. *AND be it further enacted,* That the annual books of the said Auditor, after the balances of the several accounts therein are carried to a new set as aforesaid, shall be delivered to the Solicitor, in order for him to prepare a general statement of the public revenue, the sums paid under each appropriation, and the amount of each received, shewing the balance either for or against the public; for which purpose the Solicitor shall have free access to the Treasurer's books, point out the mode of stating the same, shewing the nett amount of every species of taxation, and how far the several appropriations have been complied with, and report the same to each session of General Assembly. The said Solicitor shall also point out the mode by which the Auditor shall state his accounts, and assist the said Auditor in stating the same, and also in examining the returns from the several sheriffs and other public collectors.

SECT. VIII. *AND be it further enacted,* That on the first day of March next, the Auditor appointed to direct the statement of the public books, and to keep an account with the Treasurer, shall be discontinued. The said Solicitor shall, with the assistance of a Clerk appointed for that purpose, proceed to state all balances of the general accounts in the said office prior to the said first day of January, one thousand seven hundred and eighty six, and from thence to the first of March next, in a special book, distinguishing between specie, commutibles, and paper transactions, and the balances due under the former government from Inspectors, Sheriffs, Naval Officers, and County Court Clerks, and all other public debtors; which account of balances, accurately stated, shall be by the Solicitor laid before the next General Assembly.

SECT.

SECT. IX. *AND be it further enacted*, That the said Auditor of public accounts shall be allowed two Clerks, one of which shall be called Chief Clerk, who shall perform the duties of the said Auditor, in case of sickness, and shall be allowed the sum of fifty pounds *per annum*, in consideration of that trust, in addition to the present salary.

SECT. X. *AND be it further enacted*, That the Treasurer and Solicitor shall each be allowed the same number of Clerks, as are now employed in their respective offices.

SECT. XI. *AND be it further enacted*, That so much of any other act or acts, as comes within the purview of this act, shall be, and the same is hereby repealed.

C H A P. XXXIV.

An ACT authorizing the COURTS of LOUDON and FAUQUIER to keep a certain ROAD in repair.

SECTION I. **W**HEREAS it is represented to this present General Assembly, that the road leading from Albby's gap to Alexandria, runs about thirteen miles alternately in the counties of Loudon, and Fauquier, in such manner that it is difficult and inconvenient to have the same repaired in the mode prescribed by law: For remedy whereof,

SECT. II. *BE it enacted*, That it shall be lawful for the courts of the said counties, and they are empowered to appoint and allot so many hands as they shall think proper, to work on and assist in keeping the said road in repair, from Glasscock's, near the foot of the Blue-Ridge, to the lower end of Margery Batson's plantation, as well within their county as without, and the hands so allotted, shall be subject to the like fines and penalties for neglect of duty, and recoverable in either of the said counties, in manner directed by the act "*Concerning public Roads.*"

C H A P. XXXV.

An ACT appropriating certain PUBLIC TAXES to the opening a WAGGON ROAD from the state road to the mouth of the LITTLE KANAWHA, and for other purposes.

SECTION I. **W**HEREAS it has been represented to the present General Assembly, that it will be of public utility to open a road from the state road to the mouth of the Little Kanawha, or as near thereto as the situation of the land will admit: **AND WHEREAS** the inhabitants of the county of Harrison, through which the said road is to run, have from their situation on the frontier of the state, been exposed to the ravages of the Indians, and thereby rendered unable to pay their proportion of the public taxes in specie, and have petitioned this Assembly that they may be permitted to discharge the arrears now due, and a proportion of those, which will become due, by labour or in supplies necessary for the opening of the said road, which, when effected, will enable them in future, by communication with the western county, to pay their taxes:

SECT. II. *BE it therefore enacted*, That William Haymond, Nicholas Carpenter, John Powers, Hezekiah Davison, Thomas Webb, John M'Culley, and Daniel Davison, gentlemen, or a majority of them, shall be, and they are hereby authorized and required, after having taken an oath before the Court of the said county of Harrison, and entered into bond with security in the penal sum of four thousand pounds, payable to the Governor and his successors, for the use of the Commonwealth, for the due and impartial execution of their office, to appoint a time and place of meeting, (giving two months previous notice thereof by advertisement at the Courthouse door of each of the counties of Harrison, Monongalia, and Ohio) and then and there proceed to let to the lowest bidder, the opening a waggon road at least thirty feet wide from such place upon the state road, as a majority of the said Commissioners shall think most proper, to the mouth of the Little Kanawha, or as near thereto as the situation of the land will admit, to be finished fit for the passage of waggons within three years, taking bond with good security in a sufficient penalty from the Undertakers, payable to the said Commissioners, for the due execution of the said work, in the term aforesaid. The said Undertakers shall have power to contract with any person or persons, inhabitants of the said county of Harrison, for personal labour, or supplies of money, or any thing necessary in aid of the said work, and shall give certificates to the person or persons so contributing, to the amount of whatever they have furnished, which certificates, when countersigned by one or more of the said Commissioners, the sheriff of the said county of Harrison shall receive in payment for the taxes due from the holder thereof; and the sheriff shall be allowed a credit for all such certificates by him received, at the Treasury, in the settlement of his accounts for the taxes for the year one thousand seven hundred and eighty seven.

SECT. III. *PROVIDED always, and be it further enacted*, That the said Commissioners shall furnish the Auditor of Public Accounts with a transcript of their books of accounts, before any certificates shall be allowed the Sheriff in the settlement of his accounts; and no certificate shall be allowed, unless the same is countersigned by one or more of the said Commissioners, and entered in the transcript sent by the said Commissioners to the Auditor of Public Accounts. Every person in the said county of Harrison, failing to contribute so much to the opening the said road as will be sufficient to discharge his taxes now due, on or before the first day of June next, it shall and may be lawful for the Sheriff of the said county of Harrison to collect and distrain for the same, and pay the amount thereof to the said Commissioners within two months thereafter; and on failure so to do, the said Commissioners may recover the said amount by motion in the Court of the said county of Harrison; provided the sheriff has ten days previous notice of such motion. The Clerk of the said county of Harrison, shall transmit to the Executive, a copy of the bond entered into by the Commissioners, together with a certificate of their taking

the oath directed by this act, within six months thereafter, under the penalty of one hundred pounds, to be recovered by action of debt or information, with costs, in any Court of Record, to the use of the party who will sue for the same. All proceedings against the Sheriff of the said county of Harrison, respecting the said taxes, except as herein before directed, shall be suspended until the first day of May, one thousand seven hundred and eighty eight. *Provided always*, That the amount of the certificates to be granted pursuant to this act, shall not exceed the sum of two thousand pounds; nor shall the Sheriff of the said county be allowed in the settlement of his accounts with the public, for more certificates than the amount of that sum. AND WHEREAS it has also been represented, that it will be of public utility to open a road from Morgan's town, in the county of Monongalia, to a new Fishing Creek, on the river Ohio:

SECT. IV. *BE it therefore further enacted*, That Michael Carns, David Scott, James Coburn, Jacob Scot, George Hiley, Ebenezer Zane, John Boggs, and Benjamin Davies, gentlemen, or a majority of them, shall be, and they are hereby authorized and required, after having taken the oath before either of the Courts of the counties of Monongalia or Ohio, and given bond and security as is before directed for the other Commissioners, to proceed in like manner towards having a road opened from Morgan Town, in the said county of Monongalia, to or as near Fishing Creek, on the river Ohio, as the situation of the ground will admit, under the like rules, regulations, and directions as are herein prescribed for opening the road to the mouth of the Little Kanawha. The Sheriffs of the said counties of Monongalia and Ohio respectively, shall be answerable for the taxes of the said counties in like manner, and at the same time, as the sheriff of the county of Harrison. The certificates to be issued by the Commissioners of Monongalia and Ohio, shall not exceed the sum of one thousand pounds; nor shall the sheriffs of the said counties be allowed in the settlement of their accounts with the public, for more certificates than the sum of five hundred pounds in each county.

C H A P. XXXVI.

An ACT concerning MANUFACTURED SNUFF, and authorising the purchase of Tobacco, for that purpose.

BE it enacted by the General Assembly, That snuff manufactured in this State and exported, shall not be subject to pay any duty upon being reloaded or reimported. Any person desirous of manufacturing snuff, and giving bond and security in the court of the county where he resides, in the penalty of five hundred pounds, payable to the Governor and his successors, for the use of the Commonwealth, with condition not to export the tobacco by him received from any warehouse, shall upon producing a certificate thereof from the clerk of the court to the Inspectors at any warehouse, and paying the duties thereof, be entitled to, and the Inspectors are hereby required to deliver to him or them, or their order, all the tobacco he or they may produce their receipts or notes for; any law to the contrary, notwithstanding.

C H A P. XXXVII.

An ACT for further continuing the act authorising the TREASURER to receive SPECIE into the Treasury by weight.

SECTION I. **W**HEREAS the act passed at the last session of Assembly, intituled "*An act authorising the Treasurer to receive specie into the Treasury by weight*," will expire at the end of the present session, and it is expedient that the same should be further continued;

SECT. II. *BE it therefore enacted*, That the said recited act shall continue and be in force from and after the expiration thereof, for and during the term of one year, and from thence until the end of the next session of Assembly, and no longer.

C H A P. XXXVIII.

An ACT to amend and reduce into one act, the several acts for regulating PILOTS, and ascertaining their fees.

SECTION I. **W**HEREAS it is necessary, for the safety and preservation of vessels coming into the bay of Chesapeake, bound up the rivers of this Commonwealth, that able and experienced pilots should be established to conduct such vessels for reasonable fees;

SECT. II. *BE it enacted*, That Paul Loyal, Thomas Brown, James Barron, John Gwynn, Edward Cooper, Charles Bayles, and James Latimer, or any three of them, be, and they are hereby appointed, to examine every person that shall desire to be admitted a pilot, he first producing a certificate from the county court where he resides, of his honesty and good behaviour, paying down to the examiners the sum of thirty shillings; and if upon examination, such person shall appear of sufficient skill and ability, the said examiners shall thereupon grant such person a branch, and thenceforth he shall be reputed a lawful pilot: *PROVIDED*, That no person whatever shall be permitted to execute the business of a Pilot, notwithstanding he may have such branch as aforesaid, unless he, or the company to which he belongs, shall keep one sufficient boat of eighteen feet keel at the least, under the penalty of fifty pounds for every vessel such pilot shall undertake to conduct, to be recovered with costs, in any court of record in this Commonwealth, by the party suing for the same, to his or her own use; and if any person not having such branch, and keeping such boat as aforesaid, shall presume to take upon himself to conduct or pilot any vessel coming from sea to or from any place or places hereafter mentioned, every such person shall forfeit and pay the sum of fifty pounds to be recovered with costs, in any court within this Commonwealth, by the party suing for

for the same, and moreover such person shall be liable for all damages occasioned by his undertaking the pilotage, to be recovered by action at common law, in any court within this Commonwealth, by the party injured. *PROVIDED*, That this act shall not be construed to extend to hinder any person or persons from assisting any vessel in distress, so as he or they shall deliver up such vessel to the pilot who shall come on board and offer to undertake the conducting of her, for which such assistant shall and may demand and receive from the said pilot, half the fees allowed for pilotage by this act. *AND WHEREAS* great inconveniencies have arisen from pilots entering into combination or partnership, which has occasioned great neglect of their duty: For prevention whereof,

SECT. III. *BE it enacted*, That no more than four pilots shall be in partnership, under the penalty of one hundred pounds each; to be recovered with costs by any person suing for the same. *AND* for the encouragement of pilots to do their duty, and that all pilots may be induced to keep a good look-out;

SECT. IV. *BE it enacted*, That every master of a merchant's vessel coming from sea, shall be obliged to receive the first pilot, who offers below the Horse-Shoe, to conduct his vessel, or shall pay him full pilotage to the first port, and shall continue the same pilot to his port of discharge; and every pilot cruising or standing out to sea, shall offer his services first to the vessel which may be nearest the land, or in most distress; and if any pilot, not being hindered by sickness, or other lawful cause, shall refuse to go on board any vessel, when required by the master, to execute his office, such pilot or pilots, in either case, shall, upon complaint and conviction before the examiners, or any three of them, forfeit to the party injured, twenty pounds, and be liable to be suspended by them for such time as they shall think fit. Every vessel having no pilot on board, and following another that has a pilot, shall pay him half fees.

SECT. V. *AND be it enacted*, That if any pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall forever after such conviction be incapable of acting as a pilot in this State, and shall be also liable to pay all such damages which any person or persons shall sustain by such negligence or carelessness; to be recovered in manner before directed. *AND* for preventing any exorbitant demands for pilotage,

SECT. VI. *BE it enacted*, That the following, and no greater prices, shall be taken or demanded, to wit: On James-River, for all vessels coming from sea, from Cape-Henry, or Lynhaven bay, to Hampton road, forty shillings, and for going out to sea thirty shillings, and for each foot depth of water they draw, from Hampton road or Sowel's point to Norfolk, three shillings per foot; to Sleepy-Hole, or Look-out, three shillings and eight pence per foot; to Pagan-creek, three shillings per foot; to James town, seven shillings and three pence per foot; to Martin's Brandon, eight shillings per foot; to Flower de Hundred, eight shillings and six pence per foot; to City-Point or Bermuda-Hundred, eleven shillings per foot; to Four-Mile Creek, thirteen shillings and three pence per foot; to Osborne's, fifteen shillings per foot; to Warwick sixteen shillings and ten pence per foot; and to Richmond, eighteen shillings per foot. On York river, coming from sea, from the Capes or Lynhaven-Bay to York town, three pounds, and for going to sea, two pounds; from Back river, or Egg Island, to York town, thirty shillings; from York town to West-Point, four shillings and ten pence per foot; to Cumberland, six shillings per foot; to the highest landings on Pamunkey, seven shillings and six pence per foot; to Shepherd's, five shillings and six pence per foot; to Meredith's, Moore's, or the highest landings on Mattaponi, seven shillings and two pence per foot; from Cape-Henry, to any river on Mobjack bay, three pounds; from the Cape to Urbanna, four pounds, and for going from Urbanna to sea, three pounds; from Urbanna to Hobb's-Hole, three shillings and six pence per foot; to Naylor's-Hole, four shillings and ten pence per foot; to Leed's or Micou's, seven shillings and nine pence per foot; to Port-Royal, eleven shillings per foot; to Fredericksburg, thirteen shillings and nine pence per foot; from Cape-Henry to Pianketank, four pounds; from Cape-Henry to Smith's point on South Potowmack, coming from sea, six pounds, and for going out, five pounds; from Smith's-Point to Coan or Yocomico, three shillings per foot; to Machadock, three shillings and six pence per foot; to Upper Machadock, four shillings and ten pence per foot; to Nangomy, six shillings per foot; to Boyd's-Hole, six shillings and six pence per foot; to Quantico, seven shillings and three pence per foot; to Ocoquan, seven shillings and nine pence per foot; to Piscataway, nine shillings and six pence per foot; to Alexandria, eleven shillings and four pence per foot; to Eastern-Branch, twelve shillings per foot; and the same fees by the foot back again, and from the places aforesaid to the Capes. And where any master of a vessel shall give reasonable notice to the Pilot he shall employ, of the time and place such master shall appoint for his attendance, and such pilot shall attend accordingly, he may demand and take the sum of ten shillings for every day he shall be detained by such master's not being ready to proceed according to his notice; and if any pilot shall demand or exact any other or greater fee, he shall forfeit double the sum so demanded, recoverable before two Justices, one of whom being of the quorum, with costs by the informer. *AND* to the end, that strangers may not be imposed on in the rates of pilotage as settled by this act,

SECT. VII. *BE it enacted*, That every pilot appointed in pursuance of this act, shall be obliged, when he is in execution of his office, to carry with him a copy thereof; and when he receives the fees for the services performed on board any vessel, he shall produce the said copy to the master of the vessel, to shew that he demands no greater fee than is allowed by this act; and if any pilot shall neglect or refuse such copy as aforesaid, he shall forfeit and pay twenty pounds, to any person who shall sue for the same, to be recovered in any court within this State. *AND* where any Pilot has reason to believe the master of any vessel will not pay the pilotage,

SECT. VIII. *BE it enacted*, That the Pilot make out his account for the pilotage due him, and deliver the same to the Naval-Officer, where the master of such vessel clears out; and the said Naval-Officer is hereby authorized to demand and receive the said pilotage; before the master shall be permitted to clear out his vessel. The Naval Officer shall retain two and a half per centum for receiving the money and paying the same to the pilot. *AND* for the further encouragement of Pilots to do their duty,

SECT. IX. *BE it enacted*, That every Branch-Pilot shall be, and he is hereby exempted from militia duty, during the time he shall act as pilot.

SECT. X. *AND be it further enacted*, That the public printer shall furnish the examiners on demand, with one hundred copies of this act; one of which copies, signed by three of the said examiners, shall be delivered to each pilot.

SECT. XI. *AND be it further enacted*, That all and every other act or acts, as comes within the purview of this act, shall be hereby repealed.

C H A P XXXIX.

An ACT admitting certain RECEIPTS for HEMP to be received in discharge of the TAXES due for the years, 1782 and 1783.

SECTION. I. **W**HEREAS, by an act of Assembly which passed in the year, one thousand seven hundred and eighty four, intituled "*An act to discharge the people of this Commonwealth from the payment of one half of the Revenue tax for the year one thousand seven hundred and eighty five,*" the inhabitants of the counties westward of the Blue Ridge were permitted to discharge their arrears of taxes due for the years, one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, in hemp at thirty shillings per hundred, provided the same was delivered on or before the twentieth day of December, in the year one thousand seven hundred and eighty five. **AND** WHEREAS it has been represented to the present Assembly, that a number of the said inhabitants are at this time possessed of receipts for hemp, delivered pursuant to the directions of the said recited act, and it is doubted whether the same can now be received from the Sheriffs or collectors, because of the expiration of the said act of Assembly:

SECT. II. *BE it therefore enacted*, That the receipts for hemp delivered according to the directions of the said recited act, shall be receivable for the taxes due in the years, one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, in like manner as if the said act had not expired.

SECT. III. *AND be it further enacted*, That upon any of the said receipts being paid into the Treasury, if it shall be found that any of the hemp for which such receipts were given by the Commissioners be not forthcoming, the Treasurer shall give information of the same to the Solicitor, who is required by this act to proceed against the said Commissioners in the same manner as against other public debtors. *Provided always*; That no receipts for hemp shall be received from any Sheriff, or his deputy, unless he shall make oath that the receipts he renders were actually received by him in discharge of taxes, or were exchanged for hemp receipts he had received as aforesaid.

C H A P XL.

An ACT to amend the several acts of Assembly concerning NAVAL OFFICERS, and the collection of the DUTIES.

SECTION I. **W**HEREAS it is expedient that the collection of the duties on imports should be more effectually secured,

SECT. II. *BE it enacted*, That the duties already imposed, or hereafter to be imposed, on vessels coming, and on goods, wares, and merchandises, imported into this Commonwealth, shall be ascertained, paid, or secured to be paid, and accounted for in like manner, and under the regulations, penalties, and forfeitures, in all respects whatsoever, as the duties heretofore imposed, excepting so far only as shall be otherwise directed by this act.

SECT. III. *PROVIDED* always, and *be it enacted*, That no duties shall be payable on any articles imported for the use of this Commonwealth, or which are the property of the United States, or either of them. *PROVIDED* also, that no duties shall be payable on any articles imported directly by water, in vessels belonging wholly to citizens of the United States, which shall be proved to be of the growth, produce, or manufacture of the state from which they shall be imported, by a certificate thereof under the hand and seal of a Notary Public, Naval Officer, or a Chief Magistrate of the place of their exportation.

SECT. IV. *AND be it enacted*, That over and above the tonnage above mentioned, every master or owner of a ship or other vessel, coming into this Commonwealth, shall pay down to the Naval Officer with whom he enters, six pence per ton for such ship, or other vessel, which shall be accounted for by the Naval Officer in the same manner with other duties, and shall be appropriated to the building and support of a light house.

SECT. V. *AND be it enacted*, That the master or owner of every ship or other vessel, coming into this Commonwealth, shall proceed with his vessel without delay to the port at which he intends to enter; and shall within twenty four hours after his arrival into such port, make a true and just report, upon oath, of his vessel and cargo, as is by law required; and in case of failure herein, such master or owner shall forfeit two hundred pounds; one half to the use of the Commonwealth, and the other half to the person suing for the same in any court of record.

SECT. VI. *AND be it further enacted*, That the respective Naval Officers within this Commonwealth, shall receive from each captain or commander of any vessel, at the time of their entrance, and at the time of their clearance, one shilling for every seaman and mariner on board his vessel.

SECT. VII. *AND be it enacted*, That every master or commander of any vessel, failing to make a just and true return of all seamen or mariners, as required by law, shall forfeit five pounds for each seaman or mariner not returned, recoverable in any court of record, on motion, with ten days previous notice; one half to the use of the Commonwealth, the other half to the use of the person moving for the same. The Naval Officers shall reside at the places where their offices are respectively kept; and all entrances and clearances of ships, or other vessels, shall be made at the Naval Office of the district where such ships or other vessels shall lie. The permits to be granted by the Naval Officers, in cases of inward entries, shall specify the tonnage of the vessels respectively, and the several casks, parcels, packages, and other articles of merchandise, however described or named, therein laden, with the marks and numbers thereof, to whom consigned, and the amount of the duties thereupon paid, or secured to be paid, and shall also specify the places at which such goods, wares, or merchandises, are to be delivered; and shall particularly express that no such delivery shall be made, until the permits therefor shall be exhibited to, and countersigned by the Searchers of the respective places. And the Naval Officers shall make out an exact copy under their hands and seals, of each permit for the searchers at the places of delivery, which copy shall be sealed up, shall be committed to the master or commander of the vessel, and delivered to the Searcher, before the permit shall be countersigned by him. And every vessel, from which any goods, wares, or merchandise, subject to a duty, shall be unladen or put on shore, before the obtaining, or contrary to the tenor of the permit, shall, together with her rigging, tackle, apparel and furniture, and with the goods, wares, or merchandises, so unlawfully put on shore or unladen, be forfeited and condemned in the Court of Admiralty; one half to the use of the Commonwealth, the other half to the use of the libellant. And if

if any ship or other vessel shall be seized and libelled under this act, and the libel shall be dismissed, no costs shall be recoverable against the libellant, nor damages for the seizure, if the Court shall be of opinion that there was probable cause for the same. If any owner, master or commander, of any vessel, shall sell, or offer for sale, any goods, wares, or merchandise, liable to a duty at any port or place of lading or unlading such goods, wares, or merchandise, within this Commonwealth, or shall permit or suffer the same to be sold on board the said vessel in retail, the goods, wares, and merchandise so sold or offered for sale, shall be seized and forfeited, and the offender or offenders shall moreover forfeit and pay the sum of fifty pounds for every such offence; one half thereof to the use of the Commonwealth, and the other half to the informer; recoverable by information in any Court of record within this Commonwealth. Each Searcher shall be commissioned by the Governor, and shall at the Court of the County or Corporation, in which he resides, next after the commencement of this act, or after his appointment, as the case may be, take an oath, and enter into bond with sufficient security, in the sum of one thousand pounds, payable to the Governor for the time being, to the use of the Commonwealth, for the faithful performance of his duty. It shall be the duty of the said officers to attend to the delivery and unlading of all goods, wares, and merchandises, at the places for which they may be appointed; to go on board any ship or other vessel coming to such place, as often as may be requisite, and to seize and pursue to condemnation all vessels and their furniture, and all goods, wares, and merchandises liable thereto; in all which cases they shall be entitled to one half of the forfeiture, and the other half shall be to the use of the Commonwealth. They shall also, whenever there shall be reason to suspect that the tonnage of any vessel has not been truly entered, measure the same according to the rule prescribed by law; and if it shall appear from such admeasurement, that a deficient entry has been made; they shall certify such deficiency to the Naval Officer of the district, to whom a double duty shall be paid on the omitted tonnage, before the vessel shall be permitted to clear out; and a copy of such certificates shall be transmitted quarterly by the Searchers, to the Auditor of Public Accounts. The Searchers shall also register in books kept for that purpose, descriptions and lists of all vessels, and of their cargoes delivered or unladen at the places for which they are appointed respectively, according to the permits granted by the Naval Officer; and shall quarterly transmit the counterpart of each permit furnished them by the Naval Officer, to the Auditor of Public Accounts. And for any default herein, they shall forfeit two hundred pounds, to the use of the Commonwealth, to be recovered by the Solicitor, by motion, with ten days previous notice in any court of record, and may be displaced from office by the Executive.

SECT. VIII. *AND be it further enacted*, That where it may be necessary for the dispatch of business, the Searchers at the ports of Norfolk and Alexandria, shall and may appoint so many assistants, and may make them such allowances as the Governor, with the advice of Council, shall authorise and approve; provided that such Searchers shall be answerable for the conduct of their respective assistants.

SECT. IX. *AND be it enacted*, That it shall be lawful for the Searchers, as well as for the Naval Officers, and for any other person, having good cause to suspect that any goods, wares, or merchandises, on which duties have not been paid, are stored or secreted in any house, warehouse, or storehouse, to apply to a Justice of the Peace, or Alderman of the Corporation, for a warrant (which warrant shall not be granted but on information upon oath) and being accompanied with a Constable, to break open in the day time, such suspected house, warehouse, or storehouse, when it may be necessary; and any goods so found, on which the duties have not been paid, or secured to be paid, may be seized and carried away, and together with the vessel from which the same were delivered, shall be forfeited; one half to the use of the Naval Officer, Searcher, or other person prosecuting for the same, the other half to the use of the Commonwealth. And if any officer or other person shall be sued or prosecuted for any thing done by virtue of the power hereby given, he may plead the general issue, and give this act in evidence, and if in such suit, the plaintiff be non-suited, or judgment pass against him, the defendant shall recover double costs; and in all actions, suits or informations brought, or where any seizure shall be made pursuant to this act, if the property be claimed by any person as the owner or importer thereof, in all such cases the *onus probandi* shall lie on the owner or claimer.

SECT. X. *AND be it enacted*, That no person shall be required to give account upon oath of the true contents of any pipe or lesser cask of wine, or any hoghead or lesser cask of spirits, beer, ale, porter, cyder, or molasses, imported, but shall have liberty to enter a pipe or hoghead as aforesaid, at one hundred and ten gallons, and all lesser casks after the same proportion. *AND* to prevent fraud by the importation of the liquors aforesaid, in casks of unusual size,

SECT. XI. *BE it further enacted*, That where it shall be supposed by any Naval Officer, or Searcher, that any pipe, hoghead, or lesser cask, contains more of any of the aforesaid articles, than has been entered, he is hereby authorised to have the same gauged, and if the contents shall exceed the quantity entered ten *per centum* or more, every such pipe, hoghead, or other cask, shall, with its contents, be liable to seizure and forfeiture; one half to the use of the Commonwealth, the other half to the use of such officer.

SECT. XII. *AND be it enacted*, That when any Naval Officer, or Searcher, shall suspect that any package or parcel of goods contains any article that has not been entered, or a greater quantity of any article than has been entered, it shall be lawful for such officer to open and examine such package or parcel, and in case it shall appear that an untrue entry has been made, with an intention to defraud the Commonwealth of any part of the duties, every such package or parcel, together with the ship or other vessel, rigging, tackle, apparel, and furniture, in which the same was imported, shall be liable to seizure and condemnation in the Court of Admiralty; one half to the use of the Commonwealth, the other half to the use of such officer.

SECT. XIII. *AND be it enacted*, That any master or skipper of a vessel intending to transport any goods, wares, or merchandises, liable to a duty, from one district to another, shall obtain from the Naval Officer of the district from which they are to be transported, a permit under the hand and seal of such Officer, describing the vessel with the casks, packages, and parcels therein laden, according to their respective marks and numbers, specifying the district into which they are to be transported, and certifying that all the duties thereon have been duly paid or secured to be paid, on producing which permit to the Naval Officer of such latter district, such master or skipper shall be entitled to a permit from him to deliver and unlade his cargo at the place or places authorised by law. And if any such goods, wares, or merchandises, liable to duty, shall be delivered or unladen, or shall be found on board, without having obtained such permit, the same shall, together with the vessel, rigging, tackle, apparel and furniture, be liable to seizure and condemnation in the Court of Admiralty; one half to the use of the Commonwealth, the other half to the person suing for the same.

SECT. XIV. *AND be it enacted*, That any master or owner of any ship or other vessel coming into this Commonwealth, and laden with goods, wares, or merchandises, a part whereof only are to be delivered in this Commonwealth, shall be admitted to enter and deliver the same, on paying or securing to be paid the duties thereon together

together with such proportion of the tonnage as will correspond with the proportion which the value of such part bears, to the value of the whole cargo. And if any other part of the cargo liable to duty, shall be unladen or put on shore, the same shall, together with the vessel, rigging, tackle, apparel and furniture, be subject to seizure and condemnation in the Court of Admiralty as aforesaid; one half to the use of the commonwealth, the other half to the party suing for the same.

SECT. XV. *AND be it further enacted*, That when any master, commander, or owner, of any ship or vessel, importing goods, wares, or merchandise, into this Commonwealth, cannot give security for the duties payable thereon, it shall be lawful for the Naval Officer to take into his possession so much of the said goods, and dispose thereof, as will pay the duties on the same, giving four weeks notice of such sale in the public Gazette.

SECT. XVI. *AND be it further enacted*, That when any officer of the customs, or officer of the state boats in making seizure of any vessel, or of goods, wares, or merchandise, shall meet with obstruction in the execution of his office, such officer is hereby authorized, whenever he shall see occasion, to summon any person or persons, or to impress any vessel or vessels, for his assistance. The person or persons so assisting, shall be allowed for their trouble, one half the sum given by law to such officers making seizure. If any person be summoned as aforesaid, and fail to render the assistance required, not having a reasonable excuse, he shall forfeit and pay the sum of twenty pounds, to be recovered on motion of the officer in the court of the county where the party resides, and applied by the court towards lessening their county levy; *Provided*, ten days notice be given of such motion. *AND* the better to guard against frauds in the district of South Potowmack, and river Pocomoke,

SECT. XVII. *BE it enacted*, That no goods, wares, or merchandises, of greater value than ten pounds, shall be waterborne in any one vessel at one time from any port or place, to another port or place within the said district of South Potowmack and river Pocomoke, unless it shall be certified under the hand and seal of the Naval Officer of the district, or of a Searcher, or some justice of the peace within the same, that he has sufficient reason to believe that the duties have been paid or secured to be paid thereon; and if any goods, wares, or merchandises, so waterborne, without a certificate accompanying the same, shall be put on shore, they shall, together with the vessel or craft from which they shall be delivered, be liable to seizure and condemnation in the court of the county or corporation wherein seizure shall be made; one half to the use of the Commonwealth, and the other half to the use of the person prosecuting for the same, which court is hereby authorized to take cognizance of, and determine all such causes according to the laws and usages observed in the court of Admiralty. *PROVIDED*, That where the value of the things seized and condemned shall exceed twenty pounds, an appeal shall lie to the court of Admiralty, which is hereby authorized to take cognizance of and determine the same, the defendant in such case giving bond with security at the time of entering his appeal, to prosecute the same with effect, in like manner as is required in cases of appeal from a county or corporation court to the general court: But the court of the county or corporation, in which such condemnation shall be had, may, notwithstanding such appeal, direct sale to be made of the things condemned, and the money arising therefrom, to be paid to the clerk of the court, to await in his hands the determination of the Court of Admiralty.

SECT. XVIII. *AND be it enacted*, That the several Naval Officers shall settle with the Auditor of Public Accounts up to the first day of February next, and shall pay into the treasury all balances appearing then to be due from them, and shall thereafter pay quarterly into the treasury, all monies coming into their hands by virtue of their offices. All bonds for duties now unsatisfied in the hands of the said officers, shall by them be delivered to the Solicitor, with an endorsement thereon of any partial payments which shall have been made, and of the times of such payments. And all bonds which shall hereafter be taken for duties unpaid to the Naval Officers at the time of entry, shall by them be forthwith transmitted to the Solicitor. For all bonds so delivered or transmitted to the Solicitor, two receipts shall be given by him to the Naval Officer, who shall deposit with the Auditor of Public Accounts one of such receipts, and a list of the bonds put into the hands of the Solicitor, and the Auditor shall charge the Solicitor with all such bonds. The Solicitor shall advertise four weeks successively in the public Gazette, that such bonds are in his possession, specifying the sums due thereon, and the times at which the same will be payable, and on failure of payment, the Solicitor shall at the succeeding General Court, or county court of Henrico, move for judgment against the principals and securities in such bonds; and the said courts are hereby authorized to give judgments for the sums due, with five per centum interest, and costs of suit; and on the executions to be issued thereupon, the clerk shall endorse "no security to be taken." And so soon as the Solicitor shall receive all or any part of the sums due on such bonds or executions, he shall immediately pay the same into the treasury, and the receipts obtained therefor shall entitle him to a credit for so much with the Auditor. Any Naval Officer, or Solicitor, failing to pay the money into the Treasury agreeably to this act, shall forfeit and pay five hundred pounds for every such failure, and shall be suspended from his office by the Executive. And any Naval Officer failing to deliver the bonds to the Solicitor as required by this act, shall forfeit and pay five hundred pounds for every such failure, and shall in like manner be suspended from his office.

SECT. XIX. *AND be it enacted*, That the Solicitor shall, on or before the first day of February next, enter into bond with sufficient securities, payable to the Governor for the time being, in the sum of ten thousand pounds, conditioned for the faithful performance of the duties of his office, and for the payment of all public monies by him received.

SECT. XX. *AND be it enacted*, That no goods, wares, or merchandizes whatsoever, shall be delivered or unladen from any ship or other vessel importing the same, unless it be between sun-rise and sun-set; and in case any such be delivered or unladen at any other time, the same shall, if the packages or parcels be unbroken, be liable to seizure and condemnation, although it shall appear that they have been regularly entered; and in case they shall not be in unbroken packages or parcels, it shall be considered as evidence that they have not been duly entered, and they shall, together with the vessel, rigging, tackle, apparel and furniture, be liable to seizure and condemnation, as in other cases of unlawful delivery of unentered goods.

SECT. XXI. *AND be it enacted*, That the several Naval-Officers, and Searchers, shall be subject, the former to be suspended, the latter to be suspended or displaced, at the pleasure of the Executive, and shall in the mode of keeping their offices and books, and in the forms of making out their permits, certificates, returns, and other instruments of writing, obey such instructions as they may from time to time receive from the Executive. And any member of the Executive may at any time, with the approbation of the Board, visit the several places where the Naval-Officers are kept, or Searchers appointed; and shall have power to inspect their offices, books, and public papers, and to suspend any of the said officers for the space of one month, appointing another person to do the duties of the office in the mean time. And such member of the Executive, during the time of performing such visit, shall be entitled to his salary, and shall moreover be allowed fifteen shillings per day for his travelling expenses. Each Naval-Officer shall keep a seal of office, of a form and device to be approved by the Executive, and

and shall deposit with each of the other Naval-Officers, and with each of the Searchers of his district, an exact impression thereof.

SECT. XXII. *AND be it enacted*, That if any ship or other vessel coming from sea, or from Maryland, shall pass Newport-News Point without first making entry with the Naval-Officer, such ship or other vessel, together with her rigging, tackle, apparel and furniture, shall be liable to seizure and condemnation in the Court of Admiralty; one half to the Commonwealth, the other half to the person suing for the same.

SECT. XXIII. *AND be it enacted*, That in future all registers of ships or other vessels shall be granted by the Executive, and shall be signed by the Governor, with the seal of the Commonwealth annexed. And the Clerk of the Council shall, before he delivers any such register, demand and receive fifteen shillings, if the vessel be under one hundred tons, and thirty shillings, if the vessel be of greater burden; which money, after a deduction of two and a half *per centum*, as a commission to the said Clerk, shall by him be quarterly paid into the Treasury.

SECT. XXIV. *AND be it enacted*, That the owner or importer of any goods, wares, or merchandise, who shall bring the same by land into this commonwealth, shall, before he shall take any such goods, wares, or merchandise out of the waggon or other carriage, in which they may be brought into this Commonwealth, go before the Clerk, his deputy, or some acting Magistrate of the county in which he wishes to unload any such waggon or carriage, and produce before such Clerk, his deputy, or Magistrate, an account of the quantity of any such goods which shall be in the said waggon or carriage, and also an invoice of the quantity and first cost of any other goods, wares, or merchandise, which may be in the same, and shall moreover make oath that the said account and invoice contain a true and just account of goods, wares, and merchandise, which he has brought in the said waggon or other carriage into this State. And if any such importer or owner shall unload any such waggon or other carriage, containing any of the above goods, wares, or merchandise, brought into this state by land, without having first entered the same as directed above, every such waggon or other carriage, together with the horses thereto belonging, and all such goods, wares, and merchandise, as shall be brought therein, shall be forfeited, and recovered by information in the Court of the county; two thirds to the informer, and one third towards lessening the levy of the county where such conviction shall be made.

SECT. XXV. *AND be it further enacted*, That every such importer or owner, on making such entry with the Clerk, his deputy, or a Magistrate, shall pay the duties directed by this act to be paid on such articles as shall be contained in the said account or invoice, or shall enter into bond with sufficient security to such Magistrate, the Clerk, or his deputy, for the payment of the same within six months. And where any such bond shall be given to a Magistrate, he shall return the same within twenty days to the Clerk of the Court. And any such Magistrate, Clerk, or his deputy may, in case any importer or owner, of any such goods, wares, and merchandise, shall fail to pay the duties imposed thereon, or give bond as aforesaid, proceed (in like manner as is directed above for the Naval Officers) to seize and sell for ready money, at public sale, so much of the said goods as will pay the duties on the same.

SECT. XXVI. *AND be it further enacted*, That it shall and may be lawful for any such Magistrate, Clerk, or his deputy, when any such entry shall be made with either of them, to open and examine any one or more bale, cask, or package, contained in such entry; and if the goods contained in any such bale, cask, or package, shall exceed by fifteen *per cent.* either in quantity or value, the quantity or value mentioned in the said entry, the waggon, horses, and all the goods, of what kind soever, shall be forfeited; to be recovered and divided in manner above directed.

SECT. XXVII. *AND be it further enacted*, That any such importer or owner bringing any such goods, wares, and merchandise into this state by land, who shall fail to make such entry, shall for every waggon or other carriage so employed, forfeit and pay the sum of twenty pounds; to be recovered and divided in the manner above directed: *Provided*, that he shall not be subject to this penalty, if the goods so imported and not entered, are themselves seized. *Provided also*, That no such information shall be filed more than six months after such entry ought to have been made.

SECT. XXVIII. *AND be it further enacted*, That when any such importer or owner shall fail to pay such duties on such goods, wares, and merchandise, when the same becomes due, it shall and may be lawful for the Clerk of the Court of the county where such bond is given, or his deputy, to move for judgment in the said Court against the principal or his security, and the Court is hereby authorized, previous notice being given of such motion, to give judgment for the same with interest, and five *per cent.* damages; and when execution issues, the Clerk shall endorse "No security to be taken." All monies received by the Clerks of the County Courts by virtue of this act, shall be accounted for and paid by them in the same manner, and with the same allowance for their trouble, as the money arising on law process, and they shall be subject in case of neglect, to the same penalties and forfeitures that they are in that case.

SECT. XXIX. *AND be it further enacted*, That it shall and may be lawful for the Executive to appoint one or more Searchers in any part of this state, to carry this part of this act into execution. *AND* for the purpose of establishing and regulating draw-backs,

SECT. XXX. *BE it enacted*, That draw-backs shall be allowed after the first day of February next, under the limitations and restrictions herein after mentioned: That no draw-backs shall be allowed for any merchandise liable to duty exported out of the state, unless exported within sixty days after importation thereof by the original importer, and by water, and unless exported in the original cask or package in which they were imported unbroken, and in vessels belonging to a citizen or citizens of the United States, or in the vessel in which they were originally imported; and such importer desiring to export such merchandise, shall deliver to the Naval Officer of the port from whence the same is intended to be exported, at the time of obtaining a permit to lade such merchandise on board any vessel, a fair manifest, containing the marks and numbers of the pipes, hogheads, casks, bales, packages, or other things containing any such dutiable merchandise, and a full and particular list of all the articles thereof, with the cost, according to the account by which the duties thereon were ascertained, and shall make oath or affirmation, to be endorsed on such manifest, containing also a description of the vessel in which they were imported, and the time of importation, and that it is a true manifest of all the dutiable merchandise intended to be re-exported in the vessel mentioned in the permit, and that the merchandise mentioned in such manifest were duly entered, and the duties thereon paid or secured to be paid according to law; which manifest shall be transmitted by the Naval Officer to the Auditor of Public Accounts; and such importer shall also give bond with sufficient security, that the said merchandise shall be exported out of the state without fraud or deceit; which bond shall be transmitted to the Solicitor by such Naval Officer: And the master or skipper of the vessel receiving such merchandise, shall take a clearance thereof,

and make oath or affirmation to the manifest thereof, that he will not land or permit to be landed, such merchandise in any part of this state, but will deliver the same (dangers of navigation only excepted) at the place mentioned in the clearance; and if such exporter shall within six months after the date of such bond, produce a certificate from a Naval Officer, Notary Public, or Chief Magistrate of any other state or country, that such merchandise was duly entered in such state or country, or shall make it appear within six months from the time such goods may be shipped, by a different testimony, to the satisfaction of any two Judges of the Court of Admiralty in or out of session, that the vessel in which such goods, wares, and merchandise, may have been exported, and the cargo shall have been lost by tempest, or other accident, in such cases, the exporter shall be entitled to receive from the Treasury, the duties which shall have been paid on such re-exported goods, wares, or merchandise, or to have the bond securing such duties cancelled, where such bond shall not have been paid: *Provided*, That no draw-back shall be allowed unless demanded within three months from the time of the re-exportation of any such goods, wares, or merchandise, except where the cargo shall have been lost by tempest, or other accident, nor on any sum less than the value of fifty pounds, nor until a permit to lade such merchandise on board any ship or vessel, shall have been first had and obtained from the Naval Officer of the port from whence the same is intended to be exported.

SECT. XXXI. *AND provided also*, That no draw-backs shall be allowed, except for goods which shall have been actually landed, and afterwards re-shipped for exportation, and unless the manifest thereof specifying the casks, packages, and parcels, with the marks, and numbers of the same, and the vessel in which they were imported, shall have been certified by the Searcher to the Naval Officer, before any permit for the exportation of the same shall be granted.

SECT. XXXII. *AND be it further enacted*, That the keepers of the several ferries established by law, over the river Potowmack, shall, on or before the first day of June next, enter into bond with good and sufficient securities, in the penalty of fifty pounds, with the courts of the respective counties in which the said ferries are kept, payable to the Governor for the time being, conditioned, that they will examine all waggons and carts going from this Commonwealth over the said river at the respective ferries, which they are hereby authorized to do, and will not suffer any waggon or cart, loaded wholly or in part with tobacco, to pass the said ferries, or tobacco to be carried over the said ferries in any other manner whatsoever, unless the person carrying such tobacco, or driving such waggon or cart, shall produce a certificate to the ferry keeper from the Inspector of some warehouse within this Commonwealth, specifying the marks and weights of such tobacco, and that the duties imposed thereon had been paid according to law. No person shall carry tobacco over the said river in any other manner than in hogheads of the legal size, under the pain of forfeiting five pounds for every such offence, to the use of the informer, to be recovered by information in any court of record with costs. If any ferry keeper carry or permit to be carried over the said river, any tobacco contrary to the true intent and meaning of this act, it shall be deemed a forfeiture of his bond, and the Attorney for the Commonwealth in the county in which such ferry keeper resides, shall thereupon move for judgment for the penalty of the said ferry keeper's bond, giving ten days previous notice of such motion, and the court shall grant judgment, and award execution in the same manner as against the collectors of the public taxes; and the Sheriff of such county shall account to the clerk of the county for the proceeds of such execution; one moiety of which the clerk is hereby required to pay into the Treasury in the same manner as other public monies, and the other moiety to the informer. Any person attempting to carry tobacco over the said river at any other place, without a certificate as aforesaid, shall forfeit five pounds for every such offence, to be recovered by information in any court of record, with costs, and applied, one moiety to the use of the informer, and the other moiety to the use of the county where such attempt shall be made, towards lessening the county levy.

SECT. XXXIII. *AND be it further enacted*, That the Naval Office in Northampton county, shall, from and after the passing of this act, be kept at the court house of the said county.

SECT. XXXIV. *AND be it further enacted*, That all forfeitures by this act to the use of the Commonwealth, shall be appropriated in the first instance to the salaries of the Naval Officers and Searchers; and thereafter to the contingencies of government.

SECT. XXXV. *AND be it enacted*, That this act shall commence and be in force on the twentieth day of January, one thousand seven hundred and eighty seven, and not sooner.

SECT. XXXVI. SO much of all and every act or acts, as comes within the purview of this act, shall be, and is hereby repealed.

CHAP. XLI.

An ACT for placing the NAVAL OFFICERS on the Civil List.

SECTION I. **W**HEREAS the profits arising to the Naval Officers, are much larger in many instances than the Legislature expected at the time the officers were appointed, and it being expedient to give every aid to the public revenue, where the same can be attained with justice, and without increasing the burthens of the good citizens of this Commonwealth:

SECT. II. *BE it therefore enacted by the General Assembly*, That from and after the twentieth day of January, one thousand seven hundred and eighty seven, the several Naval Officers, in lieu of their former commissions and fees, shall have and receive the following salaries annually, that is to say: The Naval Officer for Elizabeth river district, three hundred pounds; the Naval Officer for James river district, two hundred pounds; the Naval Officer for York river district, one hundred and fifty pounds; the Naval Officer for Rappahannock district, two hundred pounds; the Naval Officer for Potowmack district, two hundred and fifty pounds; the Naval Officer for Accomack district, fifty pounds; and the Naval Officer for Northampton district, fifty pounds; to be paid quarterly, and in like manner as the salaries of other officers of civil government: And moreover there shall hereafter be paid and allowed to each of the said Naval Officers, a commission of one *per cent.* on all monies by them respectively received and paid into the Treasury, by virtue of their office, and also a commission of three fourths of one *per cent.* on the amount of all bonds for duties by them taken. *AND WHEREAS* great inconveniencies arise by vessels being allowed to run up James river, without making entry before they get to Bermuda Hundred: For remedy whereof,

SECT. III. *BE it enacted*, That the masters or commander of all vessels coming from sea, or Maryland, into Hampton Road, shall be at liberty to enter and clear such vessels with the Naval Officer either at Hampton or Norfolk; any law to the contrary, notwithstanding.

SECT. IV. *AND be it further enacted*, That each Naval Officer shall reside at the port or place where his office is kept, shall attend to the duty of his said office, and shall not directly or indirectly be concerned in trade.

CHAP.

An ACT to amend the Act, intituled An Act to restrict FOREIGN VESSELS to certain PORTS within this COMMONWEALTH.

SECTION I. **F**OR the better securing the revenue, arising from duties on imports and exports, whereby the burthen of taxes upon the people may not be encreased, and for regulating the trade of this Commonwealth, whereby foreigners may be placed on a more equal footing, and the increase of seamen in this State be promoted by a due attention to internal navigation, for the extension of the commerce thereof;

SECT. II. *BE it enacted*, That from and after the first day of April next, the following places shall be, and the same are hereby established as ports of entrance and clearance for all ships and other vessels coming from or going to any port or place without this Commonwealth, that is to say: For the district of Elizabeth river, the port of Norfolk; for the district of James river, the port of Hampton; for the district of York river, the port of York; for the district of Rappahannock river, the port of Urbanna; for the district of South Potowmack, for all vessels coming from or going to sea, any part of the Chesapeake Bay, or any part of the Maryland shore below Point Look-Out, at the port of Yocomico; all vessels coming from or going to any part of the Maryland shore above the said Point Look-Out, at the said port of Yocomico or at the port of Alexandria; (provided that in all cases of entrance or clearance at Alexandria, the same shall and may be made with the deputy appointed by the Naval Officer of the said district); for the district of Accomack, at Accomack court-house; and for the district of Northampton, the port of Cherryton. And that all vessels coming into or going out of this Commonwealth shall proceed to one or other of the said ports, and shall there be subject to such regulations as are or may be by law established. And the masters or owners of such vessels shall perform and do all things which shall be lawfully demanded of them, or either of them, by the Naval Officers residing at the said ports respectively. And no ship or other vessel coming into or going out of this Commonwealth, shall break bulk or sail from thence without a legal permit for that purpose first obtained from the Naval Officer at the port within the district into which such vessel shall enter, or from which such vessel may go.

SECT. III. *AND be it further enacted*, That the following places shall be, and the same are hereby established as ports of delivery for the lading and unlading of all vessels coming into or going out of this State, that is to say: For the district of Elizabeth river, the ports of Norfolk or Portsmouth; for the district of James river, the ports of Bermuda-Hundred or City Point; for the district of York-river, the port of West-Point; for the district of Rappahannock river, the port of Tappahannock; for the district of Potowmack river, the ports of Alexandria and mouth of Quantico; for the district of Accomack, at Follys landing and Onancock; and for the district of Northampton, at Cherryton.

SECT. IV. *Provided always, and be it further enacted*, That any vessel built within the United States, and wholly owned by any of the citizens thereof, shall and may lade at any port or place within this Commonwealth, with any article or articles for exportation; and that no vessel coming into any of the aforesaid districts from any port or place without this Commonwealth, or going from hence to any port or place without the same, except as before is excepted and provided for, shall be permitted to break bulk or unlade or lade on board any goods, wares, or merchandise whatsoever, at any other port or place within the said districts, nor until a permit for that purpose be obtained, and all lawful duties, tonnage or imposts, paid or secured to be paid as the law shall direct; and moreover the said vessels and the goods, wares, or merchandise laden therein, and the masters, owners, and crews thereof, shall be subject to, and shall do and perform all manner of regulations and things established or to be established or required by law at the aforesaid ports of delivery. Any master or owner of any vessel aforesaid, or any owner, importer, or exporter, of any goods, wares, or merchandise aforesaid, wilfully neglecting or refusing to comply with this act, shall forfeit the vessel or goods, wares, and merchandise, as the case may be; one half to the Commonwealth, and the other half to the informer, to be recovered by information in the Court of Admiralty.

SECT. V. *AND be it further enacted*, That all persons owning any river or bay craft, except vessels employed as ferry boats, shall register the same with the clerk of the court of the county or corporation in which such owner may reside, together with the name of the skipper thereof, and the number of men employed therein, not more than one half of whom shall be slaves; and shall obtain a copy of such register from the Clerk of the county aforesaid; and every owner, master or skipper of such river or bay craft when employed by the owner or master of any vessel at the ports aforesaid, shall deliver to such owner or master employing the same; if demanded, a certified copy of the said register under his hand, and shall be answerable for the safe keeping and delivery of all goods, wares, and merchandise received on board such river or bay craft, damage from winds and weather excepted, according to the order of the person shipping the same on board thereof; and for default therein, shall forfeit and pay the full value of such goods, wares, and merchandise, with damages to the party grieved. And if any owner or master of any vessel at the ports aforesaid, shall employ any river or bay craft, not having such register, it shall be at the risque of the party employing the same; and the owner or skipper of such river or bay craft, not having such register, or not conforming thereto in manning the same when in service, shall forfeit and pay the sum of ten pounds, recoverable by information in any court of record within this Commonwealth; one half to the informer, and the other half to the Commonwealth aforesaid. If any person, not being a citizen of this Commonwealth, or some one of the United States, and resident therein for the term of five years, be owner or part owner of any vessel employed as river or bay craft, such vessel shall be forfeited, together with her rigging, tackle, apparel and furniture; one half to the informer, and the other half to the use of the Commonwealth, recoverable in the Court of Admiralty.

SECT. VI. *PROVIDED nevertheless*, That nothing contained in this act, shall be construed so as to extend to the navigation of any river in this Commonwealth above tide water, or to prevent the owner of any boat or flat from transporting any article of his own growth or manufacture therein.

SECT. VII. *AND be it further enacted*, That the district of South-Quay shall be a separate district as heretofore established; and that the Executive be, and they are hereby authorized to appoint a Naval Officer for the same, who shall keep his office at the port of South Quay, and shall be entitled to a salary of forty pounds per annum, with a like commission on the duties paid or secured to be paid to him, with the other Naval Officers.

SECT. VIII. *AND be it further enacted*, That so much of all and every other act and acts of Assembly, as comes within the purview of this act, shall be, and the same is hereby repealed.

C H A P. XLIII

An ACT to amend and condense into one act, the several LAWS for appropriating the PUBLIC REVENUE.

SECTION I. **W**HEREAS it hath become necessary to amend the Laws for appropriating the Public Revenue, and to condense the several appropriations thereof into one act:

SECT. II. *BE it enacted by the General Assembly,* That the money arising from the tax on free male tithables and taxable property, the tax on wheels only excepted, shall as heretofore, form a general fund; ten thousand pounds of the amount of which shall be at the disposal of the Executive, to defray the contingent charges of government; and one thousand pounds shall be subject to the votes of the General Assembly, as the public exigencies may require: From the taxes forming the said funds, shall be paid by the Sheriffs, according to an act, intituled "*An act to amend an act, intituled an act concerning Pensioners,*" the pensions due to wounded or disabled officers and soldiers: From the said fund shall also be paid in the next instance, the salaries due to the officers of civil government, including the salaries to the Naval-Officers, and the allowances made by the Executive to the Searchers: All warrants heretofore drawn, or which may hereafter be drawn, for the payment of money lent the public on the requisition of the General Assembly, in the session held in May, one thousand seven hundred and eighty, or of Thomas Jefferson, Esq; then Governor of this Commonwealth, shall also be paid out of the said fund: The interest arising on the Loan-Office debt registered in the Auditor's-Office on or before the first day of May, one thousand seven hundred and eighty-five, shall also be made good out of the said fund, warrants for such interest being annually issued agreeably to law: All arrearages due to military pensioners, and all warrants heretofore drawn on the general, military, or contingent funds, shall be made good out of the said fund: And all sums of money voted by the General Assembly during the present session, and not otherwise provided for, and all former votes not otherwise provided for, shall be made good out of the said general fund: The said fund shall also be chargeable with the warrants heretofore issued, and which may hereafter be issued to venire-men and witnesses for their attendance on criminal prosecutions, and to apprehenders of horse-stealers.

SECT. III. *AND be it enacted,* That the money arising from the tax of one and a half per centum on lands and unimproved lots, shall be applied as follows: One tenth part thereof shall be applied to the redemption of the paper money funded conformably to the recommendation of Congress, of the eighteenth of March, one thousand seven hundred and eighty: The interest arising on the paper money of this state, funded at the rate of one thousand pounds paper for one pound specie, shall also be made good out of the said tax; and all the rest of the money, arising from lands and unimproved lots, and all the money arising from one half of the slave tax, shall be paid in discharge of this state's quota of the requisition of Congress, of the second of August, one thousand seven hundred and eighty-six, amounting to two hundred and seventy four thousand seven hundred and seven dollars indents, and three hundred and seventy one thousand one hundred and thirty-six dollars specie, after completing the payment of the requisition of Congress, of September the twenty-seventh, one thousand seven hundred and eighty-five: *Provided,* That if the amount of the aforesaid indents in the hands of the Treasurer, shall on the first day of July next, fall short of the aforesaid sum of two hundred and seventy-four thousand seven hundred and seven dollars, the deficiency shall be paid by the Treasurer in Spanish milled dollars, or other silver or gold coin equivalent thereto.

SECT. IV. *AND be it further enacted,* That all the money arising under the act, intituled "*An act imposing new taxes,*" which shall be specie only, shall be applied in aid of the funds hereby appropriated to the payment of the requisition of Congress of the second of August, one thousand seven hundred and eighty-six, except so much of the tax upon improved lots as arises within the borough of Norfolk, which shall be applied annually to the payment of the debt due from the public to the said borough, for public buildings belonging to the said borough destroyed by order of Convention, until the value of them shall be fully paid. **AND WHEREAS**, in the present emergency of affairs, it is necessary to make the most ample provision for the punctual and speedy discharge of the said requisition;

SECT. V. *BE it therefore enacted,* That in case the funds hereby appropriated to that purpose shall prove deficient, such deficiency shall be supplied by the general fund; and if there shall be any surplus in the said funds, such surplus shall be applied in aid of the general fund.

SECT. VI. *AND be it further enacted,* That the Treasurer of this Commonwealth shall transmit to the Board of Treasury of the United States, once in every month, a state of all sums paid by him on account of the United States to their commissioner of the Loan-Office, or to such other person or persons as may be duly authorized to receive the same, expressing the dates and amounts of the respective payments, and distinguishing the sums paid in actual money, from those paid in indents. **AND WHEREAS** Congress have directed every Commissioner of the Continental Loan-Office, previously to settling and issuing certificates as aforesaid for the interest due on certificates of liquidated debts, other than Loan-Office certificates, to administer an oath or affirmation, or require a certificate by one of the persons whom the state in which the commissioner resides, shall in the Legislative act complying with the requisition aforesaid of the second of August, one thousand seven hundred and eighty-six, appoint, that he has administered to the owner or possessor of every such certificate an oath or affirmation, that the same is *bona fide* the property of the particular state in which the said Commissioner resides; or of a citizen or citizens of the said state; or of some corporate body or charitable institution within the same; or of some person who is not a citizen of any of the United States; describing the certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to indentify the same, and it becomes therefore necessary to authorize certain persons to administer such oath or affirmation in this state:

SECT. VII. *BE it therefore enacted,* That every Justice of the Peace within this Commonwealth, shall be, and is hereby authorized and empowered, to administer such oath or affirmation, and to give a certificate thereof according to a form which the Commissioner of the Continental Loan-Office in this state shall prescribe, and publish six weeks successively in the public News-papers of this state.

SECT. VIII. *AND be it further enacted,* That every person chargeable with the Revenue Tax, for one thousand seven hundred and eighty-six, under the act "*To amend and reduce the several acts for ascertaining certain taxes and duties, and for establishing a permanent Revenue, into one act,*" may pay, as heretofore, one third part of such taxes in certificates granted by the Commissioner of Continental Loans in any of the United States for the interest due upon the Loan-Office certificates, or upon other certificates of the liquidated debts of the United States; and every Sheriff or Collector upon payment thereof into the public Treasury, shall be allowed a discount for all such interest certificates so by him collected. *Provided always,* that the amount thereof shall not exceed one third part of the taxes by him collected.

SECT.

SECT. IX. *AND be it further enacted*, That one half the money arising from the tax on slaves shall, as heretofore, be applied to the payment of the interest due on the certificates issued to the army and navy of this state for their arrears of pay and depreciation. The duty of four shillings per hoghead on tobacco exported shall also, as heretofore, be applied in aid of the said half of the slave tax; and the duties on enumerated articles shall, as heretofore, be appropriated to the same purposes, and the money paid into the fund hereby established for the payment of the interest on the military debt, in the course of the year one thousand seven hundred and eighty seven, shall be subject to the discharge of all warrants heretofore issued, or which may be issued in the course of the said year, for interest on the said debt. *AND WHEREAS* the situation of public affairs renders it impracticable to pay any part of the principal of the certificates granted to the army and navy for their arrears of pay and depreciation, and it is judged absolutely necessary for the support of public credit that the fullest assurance should be given for the punctual payment of the interest of those certificates;

SECT. X. *BE it therefore enacted*, That if the money arising from half the slave tax for the year one thousand seven hundred and eighty six, which was distrainable for on the first day of January, one thousand seven hundred and eighty seven, and from the duty of four shillings per hoghead on tobacco exported, and the duties above appropriated in aid of the said tax and duty, shall prove inadequate to the payment of such interest, such deficiency shall be supplied out of the general fund; and if there should be any surplus arising in the said fund, over and above the payment of the warrants heretofore issued, or which may hereafter issue in the course of the year one thousand seven hundred and eighty seven, for the said interest, all such surplus shall be applied in aid of the general fund; which interest warrants on military certificates shall be receivable in all taxes whatsoever, except the taxes on law process. *AND WHEREAS* ten thousand pounds have been applied to the purchase of arms and ammunition, agreeably to an act, intituled "*An act for the purchase of arms and ammunition for the defence of the state*," passed in October, one thousand seven hundred and eighty four, to the reimbursement of which the money arising from the Land Office hath been heretofore appropriated;

SECT. XI. *BE it enacted*, That the money arising from the said office, after reimbursing the said ten thousand pounds, shall be applied in aid of the general fund.

SECT. XII. *AND be it further enacted*, That the tax on law process and alienations shall be appropriated, as heretofore, to the payment of the debts due from this State to foreign creditors, together with the two and an half per centum on merchandise imported, until the warrants for eighty thousand pounds directed to be issued in favor of the said creditors, by the act passed at the last session of Assembly, intituled "*An act to amend the act, intituled an act to amend and reduce the several acts of Assembly for appropriating the public revenue, into one act*," shall be compleatly redeemed: And in further aid of this fund, shall be applied the balance which may yet be due on account of the sale of the Gosport lands.

SECT. XIII. *AND be it further enacted*, That two thousand pounds, arising from the tonnage on vessels, shall be appropriated to defraying the charges of the boats Liberty and Patriot, under the direction of the Executive; and the surplus thereof, after making good the votes of the present session, applied in aid of the general fund.

SECT. XIV. *AND be it further enacted*, That the Treasurer be authorized and directed to make good, as heretofore, the subscription to the Potowmack and James river Companies on behalf of the State, as the several dividends may be applied for from time to time, by the President and Directors of the said Companies, out of the surplus of any public monies arising under the several laws for the inspection of tobacco, and after defraying this charge, shall be applied in aid of the general fund.

SECT. XV. *AND be it further enacted*, That a sum not exceeding six hundred pounds out of the contingent fund, shall be set apart for the purposes of the public hospital in the city of Williamsburg, upon warrants from the Auditor under order of the Executive, on application of the Board of Directors.

SECT. XVI. *AND be it further enacted*, That the additional duty of two per centum *ad valorem*, imposed by an act of this present Assembly, shall be applied in the following manner: In the first instance to the defraying the expences of the delegates representing this State in Congress, and in the next place, to the payment of the six thousand pounds voted by the General Assembly towards the compleating of the Capitol in the city of Richmond; and the surplus, if any, shall be applied in aid of the funds appropriated to the payment of the requisition of Congress, of the second of August, one thousand seven hundred and eighty six.

SECT. XVII. *AND be it enacted*, That all arrearages of the taxes of former years shall be applied according to the laws appropriating the same; any thing in this act to the contrary, notwithstanding.

SECT. XVIII. *AND be it further enacted*, That all monies not specially appropriated by this act, shall be applied in aid of the general fund.

SECT. XIX. *AND be it further enacted*, That the Executive be empowered and required, to direct the Treasurer in the mode of selling the tobacco paid for taxes, under an act, intituled "*An act to enable the citizens of this Commonwealth to discharge certain taxes by the payment of tobacco*."

C H A P. XLIV.

An ACT to revive the act for calling in and funding the PAPER MONEY of this State.

B*E it enacted*, That the Act of Assembly, intituled "*An act for calling in and funding the paper money of this state*," which hath expired, shall be, and the same is hereby revived; and shall continue and be in force from and after the passing of this act, for and during the term of fifteen months. *Provided always*, that nothing herein contained shall extend to so much of the aforesaid act, as respects the purchase of warrants for unappropriated lands.

CHAP.

K.

C H A P. XLV.

An ACT for putting into immediate operation An act, intituled an act empowering one of the PRIVY COUNCIL to officiate in certain cases as LIEUTENANT GOVERNOR.

BE it enacted, That the act, intituled "*An act empowering one of the Privy Council to officiate in certain cases as Lieutenant Governor,*" the operation whereof is suspended until the first day of January next, shall commence and be in force from and after the passing of this act.

C H A P. XLVI.

An ACT concerning TREASONS, FELONIES, and other OFFENCES committed out of the jurisdiction of this Commonwealth.

BE it enacted, That all high treasons, misprisions, and concealments of high treasons and other offences, except piracies and felonies on the high seas; committed by any citizen of this Commonwealth, in any place out of the jurisdiction of the courts of common law in this Commonwealth, and all felonies committed by citizen against citizen in any such place, other than the high seas, shall be enquired, heard, determined, and judged by the General Court, in the same manner as if the said offences had been committed within the body of a county; and such as shall be convicted of any such offence shall suffer such pains, losses of lands, goods and chattels, as if they had been attainted and convicted of such offence done within the body of a county.

C H A P. XLVII.

An ACT to encourage the apprehending of HORSE-STEALERS

BE it enacted by the General Assembly, That whosoever shall apprehend one charged with horse-stealing, if the prisoner be convicted of that crime, shall be entitled to a reward of ten pounds, to be paid by the Treasurer, upon a certificate of the General Court, that the claimant was the apprehender, and either that he was not examined as a witness at the trial, or that the other evidence then given was sufficient, without his testimony, to convict the prisoner.

C H A P. XLVIII.

An ACT for the suppression and punishment of RIOTS, ROUTS, and UNLAWFUL ASSEMBLIES.

BE it enacted by the General Assembly, That if any riot, assembly, or rout of people against the law, be made in any part of the Commonwealth, the Justices of Peace, three, or two of them at the least, and the sheriff or under sheriff of the county, or serjeant of a corporation, as the case may be, where such riot, assembly, or rout shall be made, shall come with the power of the county (if need be) to arrest them, and shall arrest them; and the same justices and sheriff, under sheriff, or serjeant, shall have power to record that which they shall find to be done in their presence against the law, by which record such trespassers and offenders shall be convicted, and shall be taken and put in the jail of the same county or corporation, there to abide for so long time as shall be limited by a jury to be sworn by the judges for that purpose, and further until they shall have paid such amercement as the same jury shall assess; and if it happen that such trespassers and offenders be departed before the coming of the said justices and sheriff, under sheriff, or serjeant, the same justices, three, or two of them, shall diligently enquire within a month after such riot, assembly, or rout of people so made, and thereof shall hear and determine according to law; and for this purpose, the sheriff or serjeant having a precept directed to him, shall return twenty-four fit persons, twelve of whom having been sworn, shall enquire of the said riot, rout, or unlawful assembly, and award against those whom they shall find guilty thereof, due pains, by amercement and imprisonment, as is before directed; and if so many of them should not appear, those who make default, shall be fined by the same justices, five pounds each; and if the default be in the sheriff, under sheriff, or serjeant, he shall forfeit to the Commonwealth twenty pounds; and if the said riot, rout, or unlawful assembly, be not found by the said jury, by reason of any maintenance, embracery, partiality, or other misbehaviour of the said jurors, then the said justices, and the sheriff, under sheriff, or serjeant, shall certify the whole matter and circumstances to the General Court, and also the names of the maintainers and embracers in that behalf, if any be, with their misdemeanours that they know, in order that they may be duly prosecuted; upon pain of every of the said justices and sheriff, under sheriff, or serjeant, to forfeit twenty pounds, if they have no reasonable excuse for not certifying the same, which certificate shall be of like force as the presentment of a grand jury; and thereupon the said trespassers and offenders being put to answer, they which shall be found guilty, shall be punished by imprisonment and amercement, according to the discretion of a jury, as is before directed; and if the same trespassers do not appear before the General Court at the first precept, then shall another precept be directed to the sheriff of the county, to take the said trespassers and offenders, if they may be found, and to bring them at a certain day before the General Court; and if they cannot be found, the sheriff, under sheriff, or serjeant, shall make proclamation in his full county or corporation, next ensuing the delivery of the second precept, that they shall appear before the General Court on a day named; and in case the

same.

same offenders come not as afore is said, and the proclamation made and returned, they shall be convict and attainted of the riot, assembly, or rout aforesaid: And moreover the Justices of Peace in every county or corporation, where such riot, assembly, or rout of people shall be made, in case the same be made in their presence, or if none be present, then the justices having notice thereof, together with the sheriff, under sheriff, or serjeant, of the same county or corporation, shall do execution of this act, every one upon pain of twenty pounds, to be paid to the Commonwealth, as often as they shall be found in default of the execution of the said act; and on such default of the justices and sheriff, under sheriff, or serjeant, a commission shall go from the General Court at the instance of the party grieved, to enquire as well of the truth of the case, and of the original matter for the party complainant, as of the default or defaults of the said justices, sheriff, under sheriff, or serjeant, in this behalf supposed, to be directed to sufficient and indifferent persons at the nomination of the Judges; and the said commissioners presently shall return into the General Court the inquests and matters before them in this behalf taken and found: But no persons convicted of a riot, rout, and unlawful assembly, shall be imprisoned for such offence by a longer space of time than one year. Persons legally convicted of a riot, rout, or unlawful assembly, otherwise than in the manner directed by this act, shall be punished by imprisonment and amercement, at the discretion of a jury, under the like limitation.

CHAP. XLIX.

An ACT forbidding and punishing AFFRAYS.

BE it enacted by the General Assembly, That no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the courts of justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the justices of any court, or either of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

CHAP. L.

An ACT against CONSPIRATORS.

BE it declared and enacted by the General Assembly, That conspirators be they that do confederate and bind themselves by oath, covenant, or other alliance, that every of them shall aid and bear the other falsely and maliciously, to move or cause to be moved any enticement or information against another on the part of the Commonwealth, and those who are convicted thereof at the suit of the Commonwealth, shall be punished by imprisonment and amercement, at the discretion of a jury.

CHAP. LI.

An ACT against conveying or taking PRETENDED TITLES.

BE it enacted by the General Assembly, That no person shall convey or take, or bargain to convey or take, any pretended title to any lands or tenements, unless the person conveying or bargaining to convey, or those under whom he claims shall have been in possession of the same, or of the reversion or remainder thereof one whole year next before; and he who offendeth herein knowingly, shall forfeit the whole value of the lands or tenements; the one moiety to the Commonwealth, and the other to him who will sue as well for himself as for the Commonwealth: But any person lawfully possessed of lands or tenements, or of the reversion or remainder thereof, may nevertheless take or bargain to take the pretended title of any other person, so far and so far only as it may confirm his former estate.

CHAP. LII.

An ACT to punish BRIBERY and EXTORTION.

BE it enacted by the General Assembly, That no Treasurer, Keeper of any Public Seal, Councillor of State, Counsel for the Commonwealth, Judge, or Attornies at law, practising either in the General Court, High Court of Chancery, Court of Appeals, Court of Admiralty, or Inferior Courts, Clerk of the Peace, Sheriff, Coroner, Escheator, nor any officer of the Commonwealth, shall, in time to come, take, in any form, any manner of gift, brokage, or reward for doing his office, other than is, or shall be allowed by some act of General Assembly, passed after the institution of the Commonwealth, that is to say, after the fifteenth day of May, in the year of our Lord, one thousand seven hundred and seventy six; and he that doth, shall pay unto the party grieved, the treble value of that he hath received, shall be amerced and imprisoned at the discretion of a jury, and shall be discharged from his office forever; and he who will sue in the said matter, shall have suit as well for the Commonwealth as for himself, and the third part of the amercement.

C H A P. LIII.

An ACT prescribing the punishment of those who sell unwholesome MEAT or DRINK.

BE it enacted by the General Assembly, That a butcher or other person that selleth the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or a baker, brewer, distiller, or other person, who selleth unwholesome bread or drink, shall, on conviction by the verdict of a jury, the first time be amerced; the second time he shall suffer judgment of the pillory; and the third time he shall be imprisoned and make fine; and every time after he shall be adjudged to hard labour six months in the public works.

C H A P. LIV.

An ACT for punishing DISTURBERS of Religious Worship and Sabbath breakers.

BE it enacted by the General Assembly, That no officer for any civil cause shall arrest any Minister of Religion licensed according to the rules of his sect, and who shall have taken the oath or affirmation of fidelity to the Commonwealth, while such Minister shall be publicly preaching or performing religious worship in any church, chapel, meeting house, or other place of religious worship, on pain of imprisonment and amercement, at the discretion of a jury, and of making satisfaction to the party so arrested. And if any person shall on purpose maliciously or contemptuously disquiet or disturb any congregation assembled in any church, chapel, meeting house, or other place of religious worship, or misuse any such Minister being there, he may be put under restraint during religious worship, by any Justice present, which Justice, if present, or if none be present, then any Justice, before whom proof of the offence shall be made, may cause the offender to find two securities, to be bound by recognizance in a sufficient penalty for his good behaviour, and in default thereof shall commit him to prison, there to remain till the next court to be held for the same county; and upon conviction of the said offence before the said court, he shall be further punished by imprisonment and amercement, at the discretion of a jury. If any person on the sabbath day shall himself, be found labouring at his own, or any other trade or calling, or shall employ his apprentices, servants or slaves in labour, or other business, except it be in the ordinary household offices of daily necessity, or other work of necessity or charity, he shall forfeit the sum of ten shillings for every such offence, deeming every apprentice, servant, or slave so employed, and every day he shall be so employed as constituting a distinct offence.

C H A P. LV.

An ACT against USURY.

BE it enacted by the General Assembly, That no person shall hereafter, upon any contract, take directly or indirectly, for loan of any money, wares, or merchandise, or other commodity, above the value of five pounds, for the forbearance of one hundred pounds for a year, and after that rate for a greater or lesser sum, or for a longer or shorter time; and all bonds, contracts, covenants, conveyances, or assurances hereafter to be made, for payment or delivery of any money, or goods, so to be lent, on which a higher interest is reserved or taken, than is hereby allowed, shall be utterly void. If any person shall, by any way or means of any corrupt bargain, loan, exchange, shift, covin, device, or deceit, take, accept or receive, for the loan of, or giving day of payment for money, wares, merchandise, or other commodity, above the rate of five pounds for one hundred pounds for one year, every person so offending, shall forfeit double the value of the money, wares, merchandise, or commodity so lent, exchanged, or shifted; one moiety to the use of the Commonwealth, and the other to the informer, to be recovered with costs. Any borrower of money, or goods, may exhibit a bill in chancery against the lender, and compel him to discover upon oath, the money or thing really lent; and all bargains, contracts, or shifts which shall have passed between them, relative to such loan, or the repayment thereof, and the interest or consideration for the same; and if thereupon, it shall appear, that more than lawful interest was reserved, the lender shall be obliged to accept his principal money, without any interest, or other consideration, and pay costs, but shall be discharged of all other penalties of this act. Every broker, solicitor, or driver of bargains, who shall hereafter directly or indirectly, take or receive more than the rate or value of five shillings, for brokerage, or soliciting the loan or forbearance of one hundred pounds for a year, or above one shilling for making or receiving the bond or bill, for such loan or forbearance, or for any counter-bond or bill, concerning the same, shall forfeit for every offence, twenty pounds to the Commonwealth and informer, to be recovered and divided, as herein before is mentioned.

C H A P. LVI.

An ACT for licensing COUNSEL ATTORNIES at LAW and PROCTORS.

BE it enacted by the General Assembly, That no person, except the Attorney General, shall be permitted by any court to practice therein as a counsel, attorney at law, or proctor, unless he shall heretofore have obtained a license, in the manner prescribed by the law then in force, or until he shall obtain a license in writing from three of those, who shall be at that time, Judges of the High Court of Chancery, or General Court; which license, if he produce to them a certificate from the court of that county wherein his usual abode shall have been during twelve months next preceding, that he is a person of honest demeanor, such three Judges are empowered and required to grant, under their hands and seals, if, after examination, it be their opinion, that he is duly qualified. Every coun-
tel,

fel, attorney, and proctor, before he shall practice, shall in some court of record, give assurance of fidelity to the Commonwealth, and moreover in such court, if he shall thereafter obtain a license, shall take the oath following: "I do swear that I will honestly demean myself in the practice of a Counsel, Attorney, or Proctor, and will execute my office according to the best of my knowledge and ability." A person, who shall have been convicted of treason, felony, forgery, or wilful and corrupt perjury, shall not be suffered to practise in any court, as a counsel, attorney, or proctor. If the General Court, from their own observation, detect any mal-practice in a counsel, or attorney of that court, or if a complaint in writing be made to them, of such mal-practice in the said court, or in the court of a county, city, or borough, the party accused shall be summoned to shew cause why an information should not be filed against him; and if such information be ordered, and he be found guilty, of the matter therein charged, the said General Court may either suspend his license, during a certain time, or vacate it altogether, as they shall think him to have deserved. And the High Court of Chancery and Court of Admiralty, upon the like detection or complaint of mal-practice in those courts respectively, shall proceed in the same manner against a counsel, attorney, or proctor, and may inflict the same punishment upon the offender. No counsel, or attorney at law, practising in the court of a county, city, or borough, shall be permitted by the Judges, to practice the same profession in the High Court of Chancery, or General Court.

CHAP. LVII.

An ACT directing the METHOD of proceeding against and trying free PERSONS charged with certain CRIMES.

SECTION I. *BE it enacted by the General Assembly,* That any free person brought before a Justice of the Peace of a county or corporation, and by the testimony of another free person, charged with treason or felony, done in such county or corporation, shall be committed to jail by warrant of such Justice, who shall, by his precept, order the Sheriff to summon the other Justices to meet in the Courthouse, at an appointed time, not more than ten, nor less than five days after the commitment; and shall take the recognizance of witnesses to appear before the said Justices, at that time and place. If the offence shall have been done in another county, the Justice shall, by his warrant, cause the prisoner to be put into the custody of a Sheriff, to be by him conveyed to the county or corporation where the offence was committed; every one of which Sheriffs whilst he shall officiate in execution of this act, may impress so many men, horses, and boats, as shall be necessary for the safeguard and conveyance of the prisoner, into such other county, and there brought before some Justice thereof, who shall proceed in like manner, as if the offender had been brought before him in the first instance; and the Sheriff who shall be charged with the removal of a criminal from one county to another, shall be allowed the same fee per mile for such service as is allowed to Sheriffs for removing criminals from a county to the public jail, to be levied and paid by the county wherein the service was performed, and repaid by the public. The Justices so convened shall be attended by the Clerk of the peace, and any four or more of them, who will act, having examined the witnesses, as well for, as against the prisoner, in his presence, for summoning which witnesses, on behalf of the prisoner, subpoenas shall be delivered to him or any other for him desiring them, by the Clerk of the peace, and heard his defence, if, in their opinion, the evidence be not sufficient to convict him, shall enlarge him. If it seem to them that the evidence is sufficient to convict the prisoner, but that the offence is cognizable by the Court of the county, they shall take the recognizance of the prisoner with surety, in such sum as they think proper to appear before such Court at the next session, in which there will be a Grand Jury for the same county, or, if he do not give such surety, shall remand him to jail, there to remain until such session, or until he shall enter into the recognizance with surety, before any one of the said Justices, who shall return it to the Clerk of the peace. If they shall think the offence cognizable by the General Court only, remanding the prisoner to jail, from whence he shall by mittimus of two of them be removed by the Sheriff to the public jail, and delivered to the keeper thereof, or, if they think him bailable, admitting him to bail, the Justices shall take the recognizance of the witnesses to appear before the General Court, on the first day of the next term, and causing the examinations of the witnesses to be taken in writing, shall order them, together with the recognizances, both of the prisoner, if there be any, and of the witnesses, to be transmitted by the Clerk of the peace, to the Clerk of the General Court; and the two Justices, who give the mittimus, when there shall be one, may, by their warrant, empower the Sheriff to impress so many men, horses, and boats, in all places he shall pass through, as shall be necessary for the safeguard and conveyance of the prisoner, to which warrant all persons shall yield obedience, and in execution whereof the officer shall proceed, as the law directs, in other cases, wherein impressments are authorized. If the Justices shall be of opinion, that the prisoner may be bailed, and shall enter that opinion in their proceedings, and also the sums of money in which he and his bail ought to be bound, he may be bailed either by them, or by any Justice of the same county, or by any Judge of the General Court, who shall transmit the recognizance to the Clerk of the General Court, and give a warrant for the deliverance of the prisoner, and the warrant being put into the hands of the officer in whose custody the prisoner shall be, he shall thereupon be delivered, if he be detained for no other cause. Any two Judges of the General Court, when it is not sitting, may admit to bail a prisoner, whom they shall think entitled thereto and grant a warrant for his deliverance, notwithstanding the Justices, before whom the examination was, shall have been of a different opinion. When the Justices shall have determined that a prisoner ought to be tried for an offence in the General Court, the Clerk of the peace shall issue a writ of *venire facias*, to be directed to the Sheriff, commanding him to cause twelve good and lawful men, freeholders of his county, of the neighbourhood of the place where the fact shall have been committed, to come before the Justices of the General Court, at the time the witnesses shall be bound to appear there, which writ shall be executed by the said sheriff and the freeholders summoned by virtue thereof, or such of them as appear and be not challenged together with so many other good and lawful men of the bystanders being freeholders within this Commonwealth, as will make the number twelve, or, if the whole array be challenged, twelve of such bystanders shall be a lawful jury for the trial of the prisoner. After any man shall be indicted of treason or felony, if he be not already in custody, the Sheriff shall be commanded to attach his body, by writ, or by precept, which is called a *capias*, and if he return that the

body is not found, another writ or precept of *capias* shall be immediately made, returnable forthwith, in which the Sheriff shall be also commanded to seize his chattels, and safely to keep them; and if he return that the body is not found, and the indictree cometh not, an exigent shall be awarded and the chattels shall be forfeited, but if he come and yield himself, or he be taken, before the return of the fourth *capias*, the goods and chattels shall be saved. And in all trials for such offences, the prisoner shall have a copy of the indictment, and of the panel of the jurors who are to try him, whensoever he shall require it before trial or sentence. And when any of the panel shall be challenged by the Attorney for the Commonwealth, he shall assign the cause of his challenge, which shall be enquired of according to law. When the Grand Jury shall have presented to the General Court, any bill of indictment against one charged with treason or felony, the Court shall cause the offender, if he be not forthcoming immediately, or so soon as may be, to be arraigned and tried the same term, unless they see good cause to adjourn the trial to the next, and shall allow him counsel to assist him at his trial, if he desire it. When any prisoner, committed for treason or felony, and applying to the General Court by petition or motion, the first day of the term, shall desire to be brought to his trial before the end thereof, and shall not be indicted in that term, unless it appear by affidavit that the witnesses against him cannot be produced in time, the Court shall set him at liberty, upon his giving bail in such penalty as they shall think reasonable, to appear before them at a day to be appointed of the succeeding term, and he and every other person charged with such crime, who shall not be indicted before or at the second term after he shall have been committed, unless the attendance of the witnesses against him appears to have been perverted by himself, shall be discharged from his imprisonment, if he be detained for that cause only; and if he be not tried at or before the third term after his examination before the Justices, shall be forever discharged of the crime. The Clerk of the Peace, when the Justices of his county shall have determined that a prisoner ought to be tried in the General Court, shall deliver subpoenas for summoning his witnesses, to him or any person on his behalf, requiring them, returnable at the same time as the witnesses for the Commonwealth shall be bound to appear, which subpoenas, the officers, to whom they shall be directed, shall obey; and the Clerk of the General Court shall cause subpoenas for the same purpose, and at the like request, to be delivered to the prisoner, or his agent, and the witnesses for the prisoner shall be examined upon oath, in the same manner as other witnesses. The keeper of the public jail, by warrant of any two Justices of his county, may impress so many men to attend him for the safeguard of prisoners in his custody, and during such time as shall be mentioned in the warrant, so as no one of them be compelled to attend more than one day in a week, the charge whereof shall be defrayed by the public. In a presentment to the County Court, if the penalty of the offence exceed not thirty shillings, or three hundred pounds of tobacco, or to the General Court if the penalty exceed not five pounds of current money, or one thousand pounds of tobacco, no information thereupon shall be filed, but a summons shall be issued against the defendant to answer the presentment, and such summons having been served upon him, or a copy thereof having been left at the place of his usual abode, where the prosecution shall be in the County Court, at least ten days before the return day, if he do not appear, judgment shall be entered against him for the penalty, and if he do appear, the Court shall in a summary way, without a jury, hear and determine the matter of the presentment, in the form in which it shall have been made, and give judgment thereupon according to law and the very right of the cause, disregarding any exception that may or might be taken to the form of the presentment. Execution of a sentence of death shall not be done in less than thirty days after judgment shall have been given against the prisoner. All such expences as shall be incurred by the apprehension, commitment, examination, and removal of offenders, triable in the General Court only, shall be defrayed by the County wherein the matter shall have been transacted, and reimbursed by the public. The Clerk of the General Court shall enter in books, to be kept for that purpose, the names of jurors attending for the trials of prisoners, and the names of witnesses, appearing on behalf of the Commonwealth, against them, with accounts of the days they shall have attended, and certify such entries to the Board of Auditors.

CHAP. LVIII.

An ACT directing the method of trying SLAVES charged with TREASON or FELONY.

SECTION I. **B**E it enacted by the General Assembly, That the Justices of every county shall be Justices of Oyer and Terminer for trying slaves charged with treason or felony: Which trials shall be by five at the least without juries upon legal evidence at such times as the sheriffs shall appoint, not being less than five nor more than ten days after the offenders shall have been committed to jail. No slave shall be condemned in any such case unless all of the Justices sitting upon his or her trial shall agree in opinion that the prisoner is guilty. *PROVIDED* always, That when judgment of death shall be passed upon any such offender there shall be thirty days at least between the time of passing judgment and the day of execution, except in cases of conspiracy, insurrection, or rebellion. The value of a slave condemned to die, who shall suffer accordingly, or before execution of the sentence perish, to be estimated by the Justices triers, shall be paid by the public to the owner. One being detained in slavery, and having commenced an action to assert his freedom, shall be prosecuted and tried for any such crime in the same manner as a free man ought to be prosecuted and tried. No person having interest in a slave shall sit upon the trial of such slave.

C H A P. LIX.

An ACT for reforming the METHOD of proceeding in WRITS of
W R I G H T.

SECTION I. **B**E it enacted by the General Assembly, That for trial of disputed titles to lands in a more simple mode than that which hath most commonly been used of late, the claimant or demandant of an estate in fee simple may sue forth against the possessor or tenant a writ of *præcipe quod reddat*; which issuing from the General Court shall be in this form or to this effect "The Commonwealth of Virginia to the sheriff of E greeting, command C D, that he justly and without delay, render unto A B—tenement containing—of land, with the appurtenances in the county of E, which he claimeth to be his right, and whereof he complaineth that the aforesaid C D doth withhold the possession. And unless he shall do so then summon the said C D that he appear before the Justices of our General Court at—on the—day of the next Court, to shew wherefore he hath not done it. And have you then there this writ. Witness—Chief Justice of our said Court at the—day of—in the year—." And issuing from the Court of a county, city, or borough in the like form with necessary alterations; and shall be directed to the Sheriff of that county, or the proper officer of that city or borough, wherein the tenant resideth, or that wherein was his last place of abode. Upon which writ the Court shall be in this form or to this effect "E to wit: A B by F G, his Attorney demands against C D—tenement containing—of land with the appurtenances in the county of E and bounded by—. And whereupon the said A B saith that he hath right to have the tenement aforesaid, with the appurtenances, and offereth proof that such is his right." If several tenements be demanded in the same Court, the contents, situations and boundaries of each shall be inserted therein. To which count the tenant may plead in this form or to this effect "And the aforesaid C D, by H I his Attorney cometh and defendeth the right of the said A B when and where it behoveth him and all that concerneth it, and whatsoever he ought to defend, and chiefly the tenement aforesaid with the appurtenances, as of right namely—tenement containing—of land in the county of E, and bounded by—and putteth himself upon the assize, and prayeth recognition to be made, whether he hath greater right to hold the tenement aforesaid with the appurtenances, as he now holdeth it (or them) or the said A B to have it as he now demandeth it (or them)." And to such plea the replication shall be in this form or to this effect; "And the aforesaid A B in like manner putteth himself upon the assize, and prayeth recognition to be made whether he hath greater right to hold the tenement aforesaid as he demandeth, or the said C D as he holdeth it (or them)." Whereupon twelve good and lawful men, qualified as jurors are required to be, shall be elected, tried, and charged, as the manner is, to make recognition of the assize; which charge shall be in this form or to this effect: "You shall say the truth, whether C D hath more right to hold the tenement, which A B demandeth against him, by his writ of right, or A B to have it (or them) as he demandeth." And at the trial, any matter may be given in evidence which might have been specially pleaded. And upon the verdict, or in the case of a demurrer; the like judgment shall be given, and upon such judgment, the like execution awarded, as in case of a writ of right; and the party, for whom judgment shall be given, shall recover his costs of suit; and the demandant, if he recover his seisin, may also recover damages to be assessed by the recognitors of assize, for the tenants withholding possession of the tenement demanded. Where the *præcipe quod reddat* shall issue from the General Court, if return thereof be made that the tenant is not found in the bailiwick of the officer to whom it was directed, the demandant may sue forth a writ of *exigi facias* in this form or to this effect; "The Commonwealth of Virginia to the Sheriff of E greeting. We command you that you cause C D to be required, from County Court to County Court, until five Courts be passed, if he doth not appear, and if he doth appear, then summon him that he be before the Justices of our General Court, at—on the—day of the next Court, to shew wherefore he hath not rendered unto A B—tenement containing—of land, with the appurtenances in the county of E. And have you there this then writ. Witness—Chief Justice of our said Court at—the—day of—in the year—." And when the residence or last place of abode of the tenant shall be out of the county, in which the land demanded lieth, a like writ of *exigi facias* shall also be directed to the Sheriff of the latter county, and in either case a copy of such writ shall within four weeks after the teste thereof, be printed in the Virginia Gazette; and the said writ or writs of *exigi facias* being returned in due form, and being printed as aforesaid, if the tenant shall not appear at the Court to which the same is or are returnable, judgment shall be entered, that the demandant recover his seisin against the tenant. Where the *præcipe quod reddat* shall issue from the Court of a county, city, or borough, if return thereof be made that the tenant is not found in the bailiwick of the officer to whom it was directed, the demandant may sue forth a new *præcipe* every Court, for five Courts following, successively, if the tenant be not by one or other of them before summoned; and when the residence or last place of abode of the tenant shall be out of the county, city, or borough, in which the land demanded lieth, a *testatum præcipe* shall also be directed to the Sheriff or proper officer of the latter county, city, or borough; and in either case a copy of the first of the said five *præcipes*, shall within four weeks after the teste thereof, be printed in the Virginia Gazette, and a copy of that and every other of them, shall, within fourteen days after the teste of each, be set up at the door of his Courthouse by the officer to whom it shall be directed, and who by an endorsement on such writ, shall be required by the Clerk to do so, and return of the said five writs being made that the tenant is not found in the bailiwick or bailiwicks of the officer or officers, to whom they were directed, and that they had been set up as is before directed, and the first of them being printed as aforesaid, if the tenant shall not appear at the Court to which some one of the said writs was returnable, judgment shall be entered, that the demandant recover his seisin against the tenant; but if the tenant, against whom without having appeared, or without having been summoned, any such judgment shall be rendered, shall be out of Virginia, at the time of the suit brought, the judgment shall be no bar to an action commenced by him, or any claiming under him, to be restored to the land recovered, within a year and a day after he or they shall come into the country, or remaining out of it, within seven years after the judgment; in which action or in a separate one damages may also be recovered. If the tenant whether summoned or not shall appear, and afterwards make default, judgment shall be entered against him; and if having been summoned he shall not appear, the Court shall make an order, that, unless he appear at the then next Court, or see judgment shall be entered against him, which shall be entered accordingly, if a copy of that order being delivered to him or left at the place of his usual abode, fifteen days, or more, before such next Court, and affidavit thereof being made, he shall not then appear. If the demandant or tenant, against whom any such judgment shall be rendered, at the time of the suit brought, shall be an infant, a married woman, or a person of unsound mind, the judgment shall be no bar to another action, commenced within five years after attainment of full age, discovery, or recovery of understanding, or within the same time after the death of such privileged person.

An ACT concerning PARTITIONS and JOINT RIGHTS and OBLIGATIONS.

BE it enacted by the General Assembly, That all joint tenants, or tenants in common, who now are, or hereafter shall be, of any estates of inheritance in their own rights, or in the right of their wives, and all joint tenants, or tenants in common, who now hold or hereafter shall hold, jointly, or in common, for term of life or years, with others who have, or shall have estates of inheritance, or freehold in any lands, tenements, or hereditaments, may be compelled to make partition between them, of such lands, tenements, and hereditaments, as they now hold, or hereafter shall hold, as joint tenants, or tenants in common, by writs *de partitione facienda*, the forms whereof shall be devised in the General Court, and adapted to the cases aforesaid: But no such partitions between joint tenants, or tenants in common, who hold or shall hold estates for term of life or years, with others holding equal or greater estates, shall be prejudicial to any entitled to the reversions or remainders, after the death of the tenants for life, or after the expiration of the years. If partition be not made between joint tenants, whether they be such as might have been compelled to make partition, or not, or of whatever kind the estates or thing holden or possessed be, the parts of those who die first, shall not accrue to the survivors, but shall descend or pass by devise, and shall be subject to debts, charges, curtesy, or dower, or transmissible to executors or administrators, and be considered to every other intent and purpose, in the same manner as if such deceased joint tenants had been tenants in common. The representatives of one jointly bound with another for the payment of a debt, or for performance or forbearance of any act, or for any other thing, and dying in the life-time of the latter, may be charged by virtue of such obligation, in the same manner as such representatives might have been charged if the obligors had been bound severally as well as jointly. Partition may be demanded by one and the same writ, of all the several parcels of land or other real estate to which the parties have title, and execution thereupon done by the sheriff and jury, as heretofore, or by special commissioners to be appointed by the court, with assent of the parties, by allotment to each party of part in each parcel, or of parts in one or more parcels, or of one or more individual parcels, with or without the addition of a part or parts of other parcels, as shall be most for the interest of the parties in general. No plea in abatement shall be received in any suit for partition, nor shall it abate by the death of any tenant. After a writ of partition returned, affidavit being made by some credible person, that due notice of the writ had been given to the tenant or tenants to the action, and that a copy thereof had been left with him, her, or them, if he, she, or they could be found, or if not, that such notice had been given to, and a copy left with the wife, son, or daughter, being of the age of twenty one years, or upwards, and at the usual place of abode of such as could not be found, or the person in actual possession not being the demandant of the lands whereof partition is demanded, twenty days or more before the day of return, if the tenant or tenants shall not cause an appearance to be entered, at the time by law appointed, or within one month thereafter, the demandant having filed his or her declaration, the court may proceed to examine his or her title, and the quantity demanded, and shall give judgment by default, for so much as he or she shall appear to them to have a right to, and award a writ to make partition, which being executed, after eight days notice given to the persons mentioned before, judgment final shall thereupon be given, which shall be as binding as if it had been given after an appearance; and upon a trial, unless any tenant within one year after the first judgment, or being an infant, a married woman, of unsound mind, or out of Virginia within one year after attainment of full age, death of the husband, recovery of understanding, or return to the country, respectively by motion to the court, either admitting the demandant's right and purport, shall shew inequality in the partition, in which case the court may award a new partition to be made, and that in presence of all the parties, if they choose to attend it; and the second partition shall be as binding as if the tenant had appeared and pleaded in the first instance, or else shall shew sufficient matter in bar of the partition, or that the demandant hath not title to so much as he or she hath recovered, in which case the court may suspend or set aside the judgment, and admit the tenant to appear and plead, and the cause shall proceed as if no judgment had been given; and if upon the trial thereof, the court shall give the same judgment as the first, it shall stand confirmed, and the person or persons, in whose behalf the motion was made, shall be awarded to pay costs. The under sheriff, when the high sheriff cannot conveniently attend, may in presence of two justices of the peace, proceed to the execution of a judgment in partition, by inquisition in due form of law, and the high sheriff shall make the same return as if he had acted in person. They who were tenants of the messuages, lands, tenements, and hereditaments or any part thereof, before they were divided, shall hold the same of the landlords, to whom they shall be allotted by the partition in severalty, under the same conditions, rents, covenants and reservations, and the landlords shall warrant the several parts unto the tenants, as they were bound to do by leases or grants, respectively: And any demandant who was tenant, in actual possession, to the tenant to the action for his purport of the messuages, lands, tenements, and hereditaments, divided by virtue of a writ of partition, or any part thereof, shall hold it for the same term, and under the same conditions and covenants when it shall be allotted in severalty.

C H A P. LXI.

An ACT for speedy RECOVERY of MONEY due from certain Persons to the Public.

BE it enacted by the General Assembly, That when any person who hath received, or shall receive, public money from the Treasurer for recruiting or paying the army, building, rigging, or furnishing ships or vessels of war, erecting fortifications, buying clothes, provision, arms, or ammunition, erecting or prosecuting public manufactories, or for other public use, hath not applied, or shall not apply the said money accordingly, or hath neglected, or shall neglect, to account for and repay so much thereof as shall remain unapplied, upon a motion on behalf of the Commonwealth, made to any court of record, notice thereof in writing having been given ten days or more to the delinquent, with a state of the matter alledged against him, either by delivering copies of such notice and allegation to him, or leaving them at the place of his usual abode, the said court may give judgment, and award execution against him and his sureties, for so much as a jury to be impannelled instantly, unless good cause be shewn for deferring it, for trial of an issue, if he appear, and make it up, or for enquiry of damages if he appear not, or appearing, refuse to make up such issue, shall find to be due from him, on any such account as aforesaid,

laid, with damages, to be assessed by the jury, and costs. When the attorney prosecuting on behalf of the Commonwealth, shall commence an action for breach of a contract, which hath been or shall be entered into with government, or with an agent thereof, to supply the army or navy with provision or other articles, at the emanation of the writ he shall file a declaration, with an assignment of the breaches, which with the writ shall be delivered to the officer to whom that is directed, and served upon the defendant, fifteen days or more before the return day; and on such return day, or on the return day of the subsequent process, in case the preceding be not legally served, if the defendant appear and make up an issue, or if he appear not, or appearing, refuse to make up such issue, a jury shall be impannelled instantly, unless good cause be shewn for deferring it, to try the issue or inquire of the damages. And in like cases, the agents or contractors of the confederating States of America may, by the like remedy, on behalf and in the name of the said States, recover money due to them.

C H A P. LXII.

An ACT for recovering demands of a small value in a summary way.

BE it enacted by the General Assembly, That any debt, or penalty, amounting to more than twenty-five shillings, or two hundred pounds of Tobacco, and not exceeding one hundred shillings, or eight hundred pounds of tobacco, may be demanded by petition to the court of a county, city or borough. The clerk of the peace shall draw the petition, stating therein how the debt became due, or by breach of what act of General Assembly the penalty was incurred, and shall issue a summons directed to the Sheriff, or other proper officer, commanding him to summon the defendant to appear and answer the petition; and the defendant being summoned ten days at least before the return day, and being at the same time served with a copy of the petition, together with a copy of the account, which shall be filed, when the debt shall have arisen by account, the court shall and may hear and determine the matter in dispute in a summary way, and give such judgment as shall appear to be just. And any person may, by petition to be served and tried in like manner, demand and recover goods detained, or the value of them, and damages for the detention, or damages for goods found by the defendant and converted to his use, where the goods, with the damages, are not of greater value than one hundred shillings, or eight hundred pounds of Tobacco. And whosoever shall bring any other action, than a petition, if it appear, either by his own shewing in the declaration, or by the verdict of a jury, that he might have brought a petition by this act, shall be nonsuit.

C H A P. LXIII.

An ACT providing that actions popular prosecuted by collusion, shall be no bar to those which be pursued with good faith.

BE it enacted by the General Assembly, That if any person hereafter sue with good faith any action popular, and any defendant in the same action, plead any manner of recovery by action popular, in bar of the said action, or that he before that time barred any plaintiff in any such action popular, then the plaintiff in the action taken with good faith may aver that the said recovery in the said action popular was had by covin, or else may aver that the said plaintiff was barred in the said action popular by covin. Then if after the said collusion or covin so averred, the lawfully found, the plaintiff in that action sued with good faith, shall have recovery according to the nature of the action, and execution upon the same, in like wise and effect as though no such afore had been had. *Provided always,* That no plaintiff be in any wise received to aver any covin, in any action popular, where the point of the same action, or else the covin or collusion shall have been once tried, or lawfully found with the plaintiff or against him by trial of twelve men, and not otherwise. If the prosecutor of an action or information for the recovery of any penalty not wholly appropriated to the use of such proprietor, shall compound with the offender, or direct such suit or information to be discontinued, unless it be by leave of the court wherein the said suit or information shall be depending, such persecutor shall be liable for so much of the penalty to the Commonwealth, or any other, as they would have been entitled to if the defendant had been convicted.

C H A P. LXIV.

An ACT for preventing vexatious and malicious PROSECUTIONS, and moderating AMERCEMENTS.

BE it enacted by the General Assembly, That every action at common law, or suit in equity, commenced in the name of a person, not residing in Virginia, unless he be employed abroad in the service of the Commonwealth, or of the United States of America, shall be dismissed if security be not given with the clerk of the court from whence the process shall issue, or wherein it shall be depending, within sixty days after notice, shall, at any time during such non-residence, have been given to the demandant, or plaintiff, or his attorney, by some person interested, that such security is required for payment of the costs and damages which may be awarded to the tenant or defendant, and also of the fees which will become due to the officers of the court. No information for a trespass or misdemeanor, shall be filed in any court but by express order of the court, entered on record, nor unless the party supposed to be culpable shall have failed to appear and shew good cause to the contrary, having been required so to do by a summons, appointing a convenient time for that purpose, served upon him, or left at his usual place of abode; and the name and surname of the prosecutor, and the town or county in which he shall reside, with his title or profession, shall be written at the foot of the information, before it be filed, and of every bill of indictment for any trespass or misdemeanor, before it be presented to the grand jury; and if the defendant shall appear to shew cause against the filing the information, or to answer the information or indictment, and the prosecutor shall not

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proceed further, or if the defendant shall be found not guilty by the petit jury, or a judgment shall be given for him, he shall recover his costs against the prosecutor with an attorney's fee, if one was employed, and the allowances to witnesses, to be taxed in the bill of costs, and may have execution for them, as the manner is in civil cases: And in every such information or indictment, the amercement which ought to be according to the degree of the fault, and saving to the offender his contentment, shall be assessed by twelve honest and lawful men, either those by whom the offender shall have been convicted, in case of a verdict, or those who shall be impanelled for that special purpose, where judgment shall be given against him upon the argument of a demurrer, or by his confession or default. No escheator, sheriff, coroner, or other inquisitor, shall hereafter have power of amercement, for default of common summons, save only the Judges of the General Court, or the respective county or corporation courts.

C H A P. LXV.

An ACT providing a MEAN to help and speed poor persons in their suits.

SECTION I. **W**HERE it is intended that indifferent justice shall be had and administered to all the citizens of this Commonwealth, as well to the poor as the rich, which poor citizens be not of ability, nor power, to sue according to the laws of this land for redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes: For remedy whereof, in behalf of the poor persons of this land not able to sue for their remedy after the course of the law,

SECT. II. *BE it enacted by the General Assembly,* That every poor person which shall have cause of action against any person within this Commonwealth, shall have, by the discretion of the court before whom he would sue, writ or writs original, and writs of subpoena, according to the nature of his cause, nothing paying for the same. And that the said court shall direct their clerk to issue the necessary process, shall assign to him counsel learned in the laws, and appoint all other officers requisite and necessary to be had for the speed of the said suit to be had and made, who shall do their duties without any reward for their counsels, help and business in the same.

C H A P. LXVI.

An ACT providing that an INFANT may sue by his next Friend.

IN every case where such as be within age may sue, it is enacted by the General Assembly, that their next friends shall be admitted to sue for them.

C H A P. LXVII.

An ACT declaring when the death of persons absenting themselves shall be presumed.

BE it enacted by the General Assembly, That any person absenting himself beyond sea, or elsewhere, for seven years successively, shall be presumed to be dead, in any case wherein his death shall come in question, unless proof be made that he was alive within that time. But an estate recovered in any such case, if in a subsequent action or suit the person presumed to be dead shall be proved to be living, shall be restored to him who shall have been evicted; and he may moreover demand and recover the rents and profits of the estate, during such time as he shall have been deprived thereof, with lawful interest.

C H A P. LXVIII.

An ACT prescribing a method of protesting INLAND BILLS of EXCHANGE, and allowing ASSIGNEES of OBLIGATIONS to bring actions thereupon in their own names.

BE it enacted by the General Assembly, That if a bill of exchange, for the sum of five pounds, or upwards, dated at any place in Virginia, drawn upon a person at any other place therein expressed, to be for value received, and payable at a certain number of days, weeks, or months after date, being presented to the person, upon whom it shall be drawn, shall not be accepted by subscribing his name, with his proper hand to the acceptance, written at the foot, or on the back of the bill, or being accepted in that manner, and not otherwise, shall not be paid before the expiration of three days after it shall become due, the person to whom it shall be payable or his agent, or assigns, may cause the bill to be protested by a Notary Public, or if there be no such, by any other person in presence of two or more credible witnesses, for non-acceptance, in the form or to the effect following, written under a fair copy of the bill: "Know all men, that I, _____, on the _____ day of _____, at the usual place of abode of the above named _____, presented to him the bill, of which the above is a copy, and which the said _____ did not accept, whereof, I the said _____, do hereby protest the said bill. Dated at _____, this _____ day of _____;" or for non payment after acceptance, in the same form or to the same effect, except that the words "presented to him the bill, of which the above is a copy, and which said _____ did not accept," shall be left out, and instead of them the words "demanded payment of the bill, of which the above is a copy, and which the said _____ did not pay," be inserted: And the drawer, such protest being sent to him, or notice thereof in writing being given to him, or left at the place of his usual abode, within fourteen days thereafter, shall pay the money mentioned in the bill to the person entitled to it, with interest, at the rate of five per centum by the year, from the day of the protest; and he, to whom the bill shall be payable, neglecting to procure the protest to be made, or due notice thereof to be given, shall be liable for all costs and damages accruing thereby. If the bill shall be lost,

or

or shall miscarry, the drawer shall sign and deliver another of the same tenour, sufficient security being given to indemnify him against all persons who may claim under the former. An action of debt may be maintained upon a note or writing, by which the person signing the same, shall promise or oblige himself to pay a sum of money or quantity of tobacco to another. Assignments of bonds, bills, and promissory notes, and other writings obligatory, for payment of money or tobacco, shall be valid; and an assignee of any such may thereupon maintain an action of debt, in his own name, but shall allow all just discounts, not only against himself, but against the assignor, before notice of the assignment was given to the defendant.

C H A P. LXIX.

An ACT for reviving the INSPECTION of TOBACCO at South-Quay, in the county of Nansemond.

SECTION I. *BE it enacted by the General Assembly,* That the inspection of Tobacco on the lands of Richard Baker at South-Quay, in the county of Nansemond, shall be, and the same is hereby revived and established; and that the houses erected for the reception of Tobacco shall be kept in repair at the expence of the proprietor of the said land. The transfer notes issued by the inspectors at the said warehouse, shall be received in discharge of officers fees and public dues in the same manner as those of Suffolk inspection. Each of the inspectors at the warehouse shall receive a salary of twenty-five pounds per annum.

SECT. II. *PROVIDED always, and be it further enacted,* That if the quantity of Tobacco inspected at the said warehouse shall not be sufficient to pay the usual charges and the inspectors salaries, the deficiency shall not be paid by the public.

C H A P. LXX.

An ACT directing CONVEYANCES to be made for LANDS sold under the REVENUE LAW by JOHN OWEN, deceased, late Sheriff of the county of Pittsylvania.

SECTION I. *WHEREAS* it is represented, that John Owen, Sheriff of the county of Pittsylvania, in the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, sold parts of sundry tracts of land to satisfy and pay the taxes then due thereon, in the manner prescribed by law, but before any conveyances were executed, the said John Owen departed this life; and application hath been made for an act to authorise some person to execute deeds to the purchasers, for the said lands:

SECT. II. *BE it therefore enacted by the General Assembly,* That the Sheriff of the said county of Pittsylvania shall, and he is hereby authorized and required, to execute deeds of conveyance for all lands sold under the Revenue Law by the said John Owen, and not conveyed by him, which shall be as effectual to all intents and purposes, as if the same had been conveyed by the said John Owen.

C H A P. LXXI.

An ACT for establishing a TOWN in the county of BOURBON.

SECTION I. *WHEREAS* the village called and known by the name of Washington, in the county of Bourbon, containing about seven hundred acres of land, hath been laid off for in and out lots, with convenient streets; and it is represented to this present General Assembly, that it will be of great advantage to the holders of the said lots and others, if the same were established a town:

SECT. II. *BE it therefore enacted,* That the said seven hundred acres of land, so laid off into lots and streets, shall be, and the same is hereby established a town, by the name of Washington; and that Edmund Lync, Edward Waller, Henry Lee, Miles W. Conway, Arthur Fox, Daniel Boone, Robert Rankins, John Gutridge and William Lamb, gentlemen, be Trustees of the same. The said Trustees, or a majority of them, are authorized to make such rules and orders for the regular building therein, as to them shall seem most conducive to the convenience of the inhabitants, and to settle and determine all disputes about the bounds of the said lots. In case of the death, resignation, removal out of the county, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the remaining Trustees to choose others in their stead; which Trustees so elected, shall have the same power and authority as any other in this act particularly appointed.

SECT. III. *AND be it further enacted,* That so soon as the owners of lots within the said town, shall have built a dwelling-house, sixteen feet square, with a brick or stone chimney, such owner shall have and enjoy the same privileges and immunities, which the freeholders and inhabitants of other towns, not incorporated, hold and enjoy.

C H A P. LXXII.

An ACT to repeal in part the Act intituled "An Act, for regulating the STREETS in and adjoining to the TOWN of ALEXANDRIA."

BE it enacted by the General Assembly, That so much of an Act, intituled "An Act for regulating the streets in and adjoining to the town of Alexandria," as relates to to the contraction of Washington-street, between Queen-street and Oronoko-street, shall be, and the same is hereby repealed.

C H A P. LXXIII.

An ACT to extend the LIMITS of the TOWN of ALEXANDRIA.

BE it enacted by the General Assembly, That the limits of the town of Alexandria, shall extend to and include as well the lots formerly composing the said town, as those adjoining thereto, which have been and are improved.

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C H A P. LXXIV.

An ACT concerning MILL-DAMS on the South Branch of Potowmack river.

BE it enacted, That the owner or proprietor of any and every mill on the South Branch of Potowmack river, from the mouth thereof upward to the north fork, shall be allowed the further time of one year, from and after the first day of January, one thousand seven hundred and eighty-seven, to make and fix in each mill-dam a proper slope for the passage of fish, and moreover to cut, or cause to be cut, a canal or race, by the means of which boats navigated in the said river may conveniently and safely pass up or down the same, without being impeded by such mill-dams; any thing to the contrary thereof, contained in the act, intituled, "*An act for improving the navigation of the South Branch of Potowmack river,*" notwithstanding.

C H A P. LXXV.

An ACT to vest the LANDS whereof John Askins died seized, in Mary Arvin, his Mother.

SECTION I. **W**HEREAS it is represented to this present General Assembly, that John Askins, the only and natural son of Mary Arvin, hath lately departed this life, intestate, and without issue, whereby his lands have been or are liable to be escheated and vested in the Commonwealth; and whereas the said Mary Arvin hath made application that the said lands may be vested in her, which it is judged expedient and reasonable to do:

SECT. II. *BE it therefore enacted,* That the lands of which the said John Askins died seized, shall be, and they are hereby vested in his mother, the said Mary Arvin, in fee; any law to the contrary, notwithstanding.

SECT. III. *AND be it further enacted,* That the said Mary Arvin shall, within twelve months after obtaining patents for the same, convey such parts of the said lands as were sold by the said John Askins before his death, to the persons who purchased the same, or their legal representatives. *Provided always,* That nothing herein contained shall be construed to injure or affect the right or title of any person or persons, bodies politic or corporate, their heirs or successors, in or to the said lands.

C H A P. LXXVI.

An ACT to authorise the CABIN-POINT LODGE of FREE MASONS, to raise a SUM of MONEY by Way of LOTTERY.

BE it enacted by the General Assembly, That it shall and may be lawful for the members of the Cabin-Point Lodge of Free Masons, in the county of Surry, to raise by way of lottery, under the direction of Billy Haley Avery, John Howell Briggs, James Belfches, senior, James Willison, and Archibald Dunlop, gentlemen, who, or any three of whom, shall superintend the same, a sum not exceeding Five Hundred Pounds, for the purpose of building a Mason's Hall.

C H A P. LXXVII.

An ACT to establish an ACADEMY on the Eastern-shore.

BE it enacted by the General Assembly, That it shall and may be lawful for George Corbin, Isaac Avery, Thomas Evans, Littleton Savage, Levin Joynes, Griffin Stith, Abel Upshur, Littleton Eyre, George Parker, John Harmanson, Edward Kerr, and John Cropper, jun. gentlemen, who are hereby constituted Trustees, to take and receive all such sums of money as have been or may be subscribed, and the same to dispose of towards procuring and establishing a seminary of learning either in the county of Accomack or Northampton, as to a majority of the said Trustees, shall seem most expedient. The said Trustees and their successors shall have power and capacity to purchase, receive and possess, lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to grant, let, sell or assign; and to plead and be impleaded, prosecute and defend all causes, in law or equity, by the name of the Trustees of Margaret Academy. The said Trustees, or a majority of them, when assembled, shall have power to make and establish such bye-laws and ordinances as they shall think best for the good government of the said academy, and to perform and do any thing respecting the property vested therein; provided such bye-laws and ordinances shall not be inconsistent with the laws and constitution of this Commonwealth. They shall choose a President and Secretary out of their own body; and in case of vacancy, by death or otherwise, of any one or more of the said Trustees, the same shall be supplied by a majority of the remaining Trustees, so as to keep up the number of seven in the county of Accomack, and the number of five in Northampton.

C H A P. LXXVIII.

An ACT for vesting in James Mercer, Esq; certain LANDS whereof George Mercer, died seized.

SECTION I. **W**HEREAS it is represented to this present General Assembly by James Mercer, Esquire, eldest brother and heir at law of George Mercer, late of the city of London, deceased, that the said George Mercer departed this life at London aforementioned, in the month of April, in the year of our Lord, one thousand seven hundred and eighty-four, seized of certain small parcels of land within this Commonwealth, which then were and still are in possession of the said James Mercer, as attorney in fact for the said George Mercer, and which, in case of the intestacy of the said George Mercer, would descend to the said James Mercer, as heir of the said George Mercer. And also whereas it is supposed that the said George Mercer made a will in writing, as and for his last will, a private copy whereof has been transmitted to the said James Mercer, bearing date at London aforementioned, on the first day of September, one thousand seven hundred and seventy, by which will it appears that the said George Mercer devised all his real and personal estate within this Commonwealth, which was at that time very considerable, unto the said James Mercer, in fee-simple, except a few very inconsiderable legacies in the said will mentioned, and also excepting a certain part of his real estate, which he devised unto Edward Montague, Esq; of Lincoln-Inn-Field, in the said city of London, and unto James Whyte, Esquire, of Bride-street, in the city of Dublin, upon trust, to secure the payment of certain debts, limiting a remainder therein, after those purposes should be answered, to the said James Mercer in fee-simple, constituting the aforementioned Edward Montague, James Whyte, and James Mercer, sole executors of the said will. And also whereas it is represented, that the trust devised to the said Montague and Whyte, was by subsequent acts of the said George Mercer in his life-time made void, by which the whole estate would, under the will aforesaid, become immediately vested in the said James Mercer; but the said James Mercer being unable to procure the said original will, the same being destroyed or suppressed, he cannot act under the said will, nor can the said James Mercer act in the character of heir at law, lest the said will should hereafter be produced and established, and the trust-interest of the said Montague and Whyte be adjudged to be a

subsisting

subsisting lien on the estate of the said George Mercer, which would render void all the assignments of the said James Mercer, as heir at law, to the great detriment of the said James Mercer, and to the manifest prejudice of all the creditors of the said George Mercer, who are said to have claims far beyond the value of the whole estate, of which the said George Mercer died seized. And also, whereas the real estates of which the said George Mercer died seized, yield no profit, being unimproved, and are subject to certain loss for public taxes, and the interest which would arise from their value, in case the same were sold; and the said James Mercer being willing to stand chargeable to any claimant, who may hereafter be proved to have a specific claim on such lands, either by mortgage, or under the will aforesaid, for the value such lands shall actually sell for, deducting reasonable charges attending such sales; and it will be manifestly to the interest of the creditors of the said George Mercer to ensure purchasers by removing all doubts touching the title of the said James Mercer, to sell the said lands, which will greatly enhance the value thereof:

SECT. II. *BE it enacted*, That all the interests, which were of the said George Mercer, deceased, at the time of his death, in real or personal estate within this Commonwealth, either in law or equity, be, and the same are hereby veited in the afore-named James Mercer, his heirs and assigns, as heir to the said George Mercer, as fully and absolutely as if the said George Mercer had actually departed this life intestate, and at the time of his death had been actually a resident citizen within this state. *Provided always*, That so soon as the said will, or any last will of the said George Mercer, shall be proved and established at law, that then and thenceforward such last will shall have the same effect as if this act was then repealed, and the interest of the said James Mercer, as heir at law, shall then cease and determine.

SECT. III. *AND be it further enacted*, That from and after the passing of this act, and until a will of the said George Mercer shall be established, it shall and may be lawful for the said James Mercer to sell and dispose of any or all of the lands, which were the said George Mercer's at the time of his death, and being within this Commonwealth, by way of public auction, and upon twelve months credit, and to convey the absolute estate in such lands to the purchaser, such purchaser giving bond with sufficient security for the purchase money, payable to the said James Mercer, as heir of the said George Mercer. *Provided always*, That the said James Mercer shall, before any such sale, enter into bond with sufficient security, to be approved of by the corporation court of the town of Fredericksburg, in such penal sum as the said court shall direct, with condition for paying the produce of the sales of such lands to such person or persons as hereafter may be adjudged to have had the best title thereto, either by mortgage, or last will of the said George Mercer; which bond shall be made payable to the Justices of the said corporation court and their successors, and be recorded among the records of the said court; and may be prosecuted in the names of the said Justices, at the instance of, and at the risk and costs of any mortgagee or devisee, entitled to such lands respectively, for the recovery of the proceeds of the sales thereof, after deducting the costs and charges of such sales, in the same manner as a sheriff's bond may now by law be sued and prosecuted.

SECT. IV. *PROVIDED also, and be it enacted*, That it shall and may be lawful for the said James Mercer to discharge any such claim, by assigning to the claimant the bond actually taken for the purchase of the land to which such claimant makes title; and the said James Mercer shall not be chargeable for the money arising from such sales, unless the security taken for the payment thereof shall be adjudged insufficient at the time of his entering into such bond.

SECT. V. *AND be it further enacted*, That it shall and may be lawful for the said corporation court, and the said court is hereby required, upon the application of the said James Mercer, to grant him a certificate for obtaining administration on the personal estate of the said George Mercer, deceased, within this state, the said court taking bond and security as in ordinary cases.

SECT. VI. *PROVIDED nevertheless, and be it enacted*, That the said court before granting such certificate, shall administer to the said James Mercer the following oath, instead of the oath now prescribed to be taken by an administrator, to wit: "I James Mercer, do swear that I have been informed, and verily believe, that George Mercer, Esquire, my elder brother, died at London some time in the month of April, one thousand seven hundred and eighty four, single and unmarried, and that I have not in my keeping any original will of the said George Mercer, nor can I obtain the one the said George Mercer is said to have made; and that I will well and truly administer all and singular the goods, chattels, and credits of the said George Mercer, and pay his debts as far as his goods, chattels, and credits will thereunto extend and the law require me; and that I will make a true and perfect inventory of all the said goods, chattels, and credits, as also a just account, when thereto required; and that I will cease to act as administrator of the said George Mercer, as soon as any will of the said George Mercer shall be duly proved and recorded, except as to suits which shall then be depending." Saving to all and every person and persons whatsoever, bodies politic and corporate, other than this Commonwealth, and those claiming or to claim under the said George Mercer, as trustee, mortgagee, or devisee, all right, title, and interest, which they or either of them might or could have to any lands of the said George Mercer, in the same manner as if this act had never been made.

C H A P. LXXIX.

An ACT appointing TRUSTEES to sell part of the LANDS of John Todd, deceased, for the payment of his debts, and for other purposes.

SECTION I. **W**HEREAS John Todd, of the county of Fayette, died some time in the year, one thousand seven hundred and eighty-two, leaving Mary Owen Todd, an infant, under the age of twenty-one years, his heir at law, and it being represented to this present General Assembly that the personal estate of the said John Todd is by no means adequate to the payment of his debts, and that it will be greatly advantageous to the said Mary Owen Todd, to preserve the said personal estate and the slaves whereof he died possessed, by authorizing the executors to sell so much of the lands whereof he died seized, as will be sufficient to discharge the aforesaid debts, and to purchase three slaves to be veited in the said Mary Owen Todd, and Jane Todd, widow and executrix of the said John Todd; and the said Jane Todd and Robert Todd, executor of the said John Todd, deceased, having petitioned this Assembly that an act may pass for that purpose:

SECT. II. *BE it therefore enacted by the General Assembly*, That James Wilkinson, Thomas Marshall, John Coburn, and Joseph Crocket, gentlemen, shall be, and they are hereby appointed Trustees for the following purposes, that is to say: The said Trustees, or any three of them, shall, immediately upon receipt of this act, demand of the executors of the said John Todd, deceased, an accurate account of all the debts which shall be due from his estate, and upon receipt thereof, shall proceed to sell in such manner as to them shall seem most advantageous, so much of the lands whereof the said John Todd died seized, as shall be sufficient to discharge the aforesaid debts, and to purchase two young negro men and one young negro woman: *Provided nevertheless*, That the said Trustees shall not be authorized to sell the tract of land in the county of Fayette, whereon the said John Todd resided at the time of his death, or any part thereof: *Provided also*, That they shall not sell in consequence of the powers hereby given to them, more than one fourth part of the lands whereof the said John Todd died seized. So soon as the said Trustees shall have purchased the slaves above mentioned, they shall convey two of them to the said Mary Owen Todd and her heirs, by deed to be recorded in the court of Fayette county, and shall also in like manner convey the remaining one to the said Jane Todd, during life, with remainder to the said Mary Owen Todd. The said Trustees, when they have performed the trust reposed in them by this act, shall make a fair statement of their proceedings therein, which having been examined and approved by the court of Fayette county, shall be recorded therein, and thenceforth the said Trustees shall be discharged from the said trust.

C H A P. LXXX.

An ACT to establish a TOWN on the lands of Charles Washington, in the County of Berkeley.

BE it enacted by the General Assembly, That eighty acres of land, the property of Charles Washington, lying in the county of Berkeley, be laid out in such manner as he may judge best, into lots of half an acre each, with convenient streets, which shall be, and is hereby established a town, by the name of Charlestown. That John Augustine Washington, Robert Rutherford, William Darke, James Crane, Cato Moore, Benjamin Rankin, Magnus Tate, Thornton Washington, William Little, Alexander White, and Richard Ransome, gentlemen, are hereby appointed Trustees of the said town, and that they, or a majority of them, shall have full power from time to time, to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best; and in case of the death, removal out of the county, or other legal disability, of any one

or more of the said Trustees, it shall be lawful for the remaining Trustees to elect and choose others in the room of those dead or disabled, and the person or persons so elected, shall be vested with the same powers and authority as any one in this act particularly appointed. So soon as the purchasers or owners of lots within the said town shall have built thereon a dwelling house, sixteen feet square, with a brick or stone chimney, such purchaser and owner shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this State, not incorporated, hold and enjoy.

C H A P. LXXXI.

An ACT to enable the TRUSTEES of the Fredericksburg Academy, to dispose of certain lands.

SECTION I. **W**HEREAS it has been represented to the General Assembly, that it would be of great advantage to the Fredericksburg academy, to authorise the Trustees thereof to dispose of a small quantity of sunken ground, and the materials of a stone building, granted to the said academy by act of Assembly, in the year one thousand seven hundred and eighty two:

SECT. II. **BE it therefore enacted**, That it shall be lawful for the said Trustees, or the major part of them, to sell and convey so much of the sunken or low lands belonging to the said academy, as to them shall seem proper, and also the materials of a stone building erected thereon, and apply the money arising from the sales thereof in such manner as they shall think most for the benefit of the said academy.

C H A P. LXXXII.

An ACT giving further time to purchasers of LOTS in the town of Louisville to build thereon.

SECTION I. **W**HEREAS the purchasers of lots in the town of Louisville, in the county of Jefferson, from the frequent incursions and depredations of the Indians, and the difficulty of procuring materials, have not been able to build on their said lots within the time prescribed by law:

SECT. II. **BE it therefore enacted**, That the further time of three years from the passing this act, shall be allowed the purchasers of lots in the said town to build upon and save the same.

C H A P. LXXXIII.

An ACT appointing TRUSTEES for the TOWN of DUMFRIES.

SECTION I. **BE it enacted by the General Assembly**, That Henry Lee, sen. Thomas Blackburn, William Carr, Richard Graham, Alexander Lithgow, George Graham, John Pope, William Linton, Thomas Lee, John M'Crae, Willoughby Tebbs, and Nathaniel Chapman Hunter, gentlemen, are hereby constituted and appointed Trustees of the town of Dumfries. They, or the major part of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the lots in the said town, establish such rules for the regular building of houses thereon, as to them shall seem meet and convenient and be vested with the same powers and authority given to the Trustees of the said town when the same was established.

SECT. II. **AND be it further enacted**, That from and after the passing of this act, the Trustees shall be resident in, or freeholders of the said town; and upon the death or other legal disability, of any of the said Trustees, the vacancy thereby occasioned shall be supplied by the remaining Trustees; and the person or persons so elected, shall have the same powers and authority as any one in this act particularly appointed.

C H A P. LXXXIV.

An ACT prescribing the method of advertising STRAYS taken up in the DISTRICT of KENTUCKY.

BE it enacted by the General Assembly, That so much of the act concerning strays, as directs the advertising of them in the Virginia Gazette, shall not be in force in the district called and known by the name of the Kentucky District, and instead thereof, the like advertisement shall be posted up at the door of the Court-house of the Supreme Court for two days at two different succeeding sessions; a list of which advertisements shall be noted in a book to be kept by the Clerk of the before recited Court, for the recording of which he shall receive the sum of two shillings.

C H A P. LXXXV.

An ACT to enlarge the TOWN of FALMOUTH.

SECTION I. **BE it enacted by the General Assembly**, That it shall be lawful for the Trustees of the town of Falmouth, and they are hereby directed, to survey and lay off a quantity of land, not exceeding twenty acres, on the north-west side of the said town, into lots of half an acre each, with convenient streets, which shall thenceforth be added to and made a part of the said town.

SECT. II. **PROVIDED always, and be it further enacted**, That the said Trustees, in forming and extending the streets within the said lots, shall not interfere with any buildings erected thereon.

C H A P. LXXXVI.

An ACT for altering the place of holding COURTS in the county of Henry.

BE it enacted by the General Assembly, That it shall be lawful for a majority of the acting Justices of the Peace for the county of Henry, and they are hereby required, to fix on a place for holding Courts in the said county, at or as near the center thereof, as the situation and convenience will admit of; and thenceforth proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they shall think proper.

C H A P. LXXXVII.

An ACT for OPENING and STRAIGHTENING certain public ROADS.

SECTION I. **BE it enacted by the General Assembly**, That Thomas Prosser, Hezekiah Henley, George Clough, John Anderson, (of Taylor's-creek) Robert Armistead, Charles Barret, Beverley Winslow, Thomas Fowler, Charles Porter, William

William Pannel, French Strother, and William Roberts, gentlemen, be, and they are hereby appointed Commissioners; and they, or a majority of them, shall on or before the first day of March next, view and fix upon the most convenient and direct way for opening a road from Chester's-gap, in the county of Culpeper, to the city of Richmond, having regard as well to the situation of the ground, as the convenience of individuals, through whose lands the said road is to be opened, and make report of their proceedings to the courts of each of the counties of Culpeper, Orange, Louisa, Spotsylvania, Hanover, and Henrico; and the courts of the said counties shall severally within two months thereafter, appoint a proper person or persons, and allot him or them a sufficient number of hands for clearing and opening the road, where the same is fixed to go by the said Commissioners within the county, in such manner as is by law directed for public roads. The Commissioners failing to view and fix on the way for opening the said road, and make report within the time aforesaid, shall each forfeit and pay the sum of ten pounds. The Justices of each of the said counties, failing to appoint proper persons and hands for opening and clearing the said road, shall forfeit and pay the sum of one hundred pounds; which several penalties shall be recovered by information, and applied, one moiety to the informer, and the other moiety towards lessening the levy of the county where such forfeiture shall arise.

SECT. II. *AND be it further enacted*, That the Commissioners appointed by an act, intituled "*An Act for keeping certain roads in repair*," or any three of them, being first sworn, shall have full power, and are hereby required, to view and mark out the most convenient way for turning and straightening the roads leading from Vestall's and Snicker's-gaps to Alexandria, having regard as well to the situation of individuals, who may be affected thereby, as the convenience of the public, and to direct the same to be opened and repaired agreeable to the said act.

SECT. III. *AND be it further enacted*, That Nathaniel Wilkinfon, Daniel Laurence Hylton, Thomas Tinsley, John Winston, James Taylor, George Philips, Jonathan Clarke, and James Tutt, gentlemen, are hereby constituted Commissioners; and they, or a majority of them, shall on or before the twentieth day of March next, view and fix on the most convenient and direct way for opening a road from Fredericksburg to the city of Richmond, having regard as well to the situation of the ground, as the convenience of individuals, through whose lands such road is to be opened, and make report thereof to the courts of the counties through which the same is to pass; and thereupon the like proceedings shall be had, and the same penalties inflicted, and recovered in like manner, as is herein before directed and prescribed in opening the road from Chester's-gap to the city of Richmond.

SECT. IV. *AND be it further enacted*, That no county court shall have power, by any order or proceeding, to alter or change the ground or course of either of the said recited roads, established as aforesaid.

C H A P. LXXXVIII.

An ACT for INCORPORATING the TOWN of YORK.

BE it enacted by the General Assembly, That on the first Monday in March next, and on the same day in every year afterwards, the freeholders of lots within the town of York, whether improved or not, and whether such freeholders reside therein or not, and the house-keepers and inhabitants of the said town, who shall have resided therein at any time for the space of three months without the intermission of one twelve-month, and possess in their own right within the same, moveable or immoveable property to the value of Fifty Pounds, shall meet at the Court-house of the county, or at such other place as shall by a bye-law be hereafter appointed, and shall then and there elect by ballot twelve fit and able men, being freeholders and inhabitants of the said town, who, or a major part of them, shall on the same or second day thereafter, between the hours of eight and twelve in the forenoon, publicly elect by ballot from among themselves, one person to act as Mayor, another as Recorder, and four others as Aldermen, of the said Town, and the other six of whom shall be Common-Council. The power of the persons at any time elected Mayor, Recorder, Aldermen and Common-Councilmen, shall not be continued longer than until other persons shall have been elected to those offices respectively, or than the expiration of the second day immediately following the said first Monday in March in every year, as the case may be; but they may nevertheless be re-elected, except that no person shall be capable of acting as Mayor more than once in any term of three years. Vacancies occasioned by death, disability, or resignation, at any time before the annual election, shall be supplied by the choice of the Mayor, Recorder, Aldermen, and Common-Council, in Common-Hall assembled, that is to say, a vacancy in the office of Mayor or Recorder, shall be supplied out of the Aldermen; a vacancy in the office of Alderman, out of the Common-Council; and a vacancy in the Common-Council, out of the freeholders and inhabitants of the said town. The Mayor, Recorder, and Aldermen, to be elected on the said first Monday in March next, shall not enter upon the execution of their office until they have respectively taken an oath, or affirmation, before some Justice of the Peace of the county of York, for the faithful discharge of the duties thereof; and the Mayor, Recorder, and Aldermen, to be elected afterwards, shall take such oath, or affirmation, before they respectively enter upon the duties of their office, in the presence of the Court of Hustings, or of some meeting of the Common-Council hereafter mentioned. The said freeholders, house keepers, and inhabitants, and those persons, who shall hereafter become freeholders, house-keepers, or inhabitants, as aforesaid, shall be a body politic and corporate, by the name of the Mayor, Aldermen and Commonalty, of the town of York, and by that name have perpetual succession and a common seal. They and their successors by the name aforesaid, shall be capable in law to have, purchase, receive, enjoy, possess, and retain to them and their successors forever, any lands, rents, tenements, or hereditaments, of what kind, nature, or quality soever; and also to sell, grant, demise, alien, or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts and places; and from time to time to make and establish such bye-laws, rules, and ordinances, not contrary to the constitution or laws of this Commonwealth, as shall by them be thought necessary for the good ordering and government of such persons as shall from time to time reside within the limits of the said town, or shall be concerned in interest therein. That they and their successors, by the name aforesaid, shall especially have power to rent, erect or repair work-houses, houses of correction, a court-house, prison, market-house, and hospitals for the reception of persons infected with contagious disorders, and other public buildings, for the benefit of the said town; to pay the charges of removing such infected persons to the hospital, to provide doctors, nurses, and other necessary attendants, as well as guards to prevent the spreading of such disorders; and keep in order the streets and lands in the said town; and to impose taxes on the white and black male tithables, and on the property, real and personal within the said town, for the execution of all or any of the powers hereby given them; to make provisions and regulations for collecting and accounting for the taxes raised, by appointing a collector, or directing distress to be made for delinquencies, or by any other ways or means; to erect wharfs, and to lay a reasonable duty on the vessels coming to and using the same, for the purpose of defraying the expence of erecting and keeping in repair the wharfs so erected; to fix fines upon the owner or holder of every billiard table, tippling-house, booth or tent within the jurisdiction of the corporation; and to demand reasonable fees for every ordinary license within the same, over and above those established for raising a revenue; and to expel disorderly persons, who shall not have been resident therein for twelve months. That all acts herein directed to be done by the Mayor, Recorder, Aldermen, and Common-Council, shall be done by them when assembled in Common-Hall, when seven members shall be present, of which the Mayor, Recorder, or eldest Alderman, shall always be one. They shall meet upon the summonses of such Mayor, or in his absence, sickness or disability of the Recorder, or in the absence, sickness, or disability of both Mayor and Recorder, then of the eldest Alderman. The Mayor, Recorder, and Aldermen, or any four or more of them, shall have power to hold a Court of Hustings on the fourth Monday in every month. The jurisdiction of such Court shall relate to those cases, which originate within the limits of the said town, and shall be the same as the jurisdiction of the County Courts, as established by the act, intituled "*An act for establishing County Courts, and regulating the proceedings therein*," except in the following instances; the said court shall not hear and determine any penal cause, unless it be for a breach of the laws of the corporation, the penalty whereof does not exceed forty shillings, or two hundred pounds of crop tobacco; nor any action where the cause of it exceeds the value of fifty pounds, or five thousand pounds weight of crop tobacco, unless it be in ejectment. The said court shall have the power of examining and trying criminals for all offences committed within the limits of the said corporation, either at their monthly sessions, or in the vacation, in the same manner as the county courts can or may do by law; the said court shall have the sole power of licensing tavern keepers and settling their rates, establishing an assize of bread, wine, wood, coal and other things, and also of appointing a serjeant, who shall have the power of a sheriff, constables, and other necessary officers of the court, and surveyors of the streets, and any other officers not especially directed in this act, to be appointed by any other power. The same fees shall be allowed to the officers of the court as are by law allowed to the clerk and sheriff of a county, and shall be collected and accounted for in the same manner. No officer of the court shall enter upon his office until he shall have taken an oath, or affirmation, before the court for the faithful discharge of the duties thereof. The serjeant shall moreover give bond with sufficient security, payable to the Mayor, Recorder, Aldermen, and Common Council, in a reasonable penalty, for the due execution of his office. The Mayor, Recorder, and Aldermen shall each be vested with the powers of justices of the peace within the said town, for matters arising within the same, according

according to the laws of this Commonwealth. The Mayor, Recorder, any Alderman or Common Councilman, may be removed from his office for good cause, and after due summons, by the opinion of seven members of the Common Hall; and no bye-law, ordinance or regulation shall be binding, unless the same shall have been passed and entered into by the voice of seven members of the Common Hall. The court of hustings of the said town of York, shall be and the same is hereby constituted a court of record, and as such to receive probate of wills and deeds, and grant administration and marriage licenses, in as full and ample manner as the county courts by law can or may do. *Provided always*, That no will shall be admitted to record in the said court, nor shall the said court grant administration, unless the testator or intestate, as the case may be, was resident within the limits of the jurisdiction of the said court at the time of his or her death; nor shall any deed whereby lands are conveyed, be admitted to proof or record in the said court, unless such lands be within the limits as aforesaid. No ordinary keeper in the town of York, shall be capable of serving as Mayor, Recorder, Alderman, or Common Council thereof.

C H A P. LXXXIX.

An ACT to emancipate JAMES, a Negro Slave, the property of William Armistead, Gentleman.

SECTION I. WHEREAS it is represented that James, a negro slave, the property of William Armistead, gentleman, of the county of New Kent, did, with the permission of his master, in the year one thousand seven hundred and eighty-one, enter into the service of the Marquis la Fayette, and at the peril of his life found means to frequent the British camp, and thereby faithfully executed important commissions entrusted to him by the Marquis; and the said James hath made application to this Assembly to set him free, and to make his said master adequate compensation for his value, which it is judged reasonable and right to do:

SECT. II. *BE it therefore enacted*, That the said James shall, from and after the passing of this act, enjoy as full freedom as if he had been born free; any law to the contrary thereof, notwithstanding.

SECT. III. *AND be it further enacted*, That the Executive shall, as soon as may be, appoint a proper person, and the said William Armistead another, who shall ascertain and fix the value of the said James, and to certify such valuation to the Auditor of Accounts, who shall issue his warrant to the Treasurer for the same, to be paid out of the general fund.

C H A P. XC.

An ACT to compel the PERFORMANCE of a TRUST under the will of John Williamson, deceased.

SECTION I. WHEREAS John Williamson, late of the county of Hanover, deceased, by his last will, among other things, did give and devise a part of his estate to certain persons, and their successors forever, in trust, for them to apply the profits thereof annually to particular purposes directed in his will, with power in case of the death or removal of any one of the said Trustees, for the survivors to supply the vacancy for ever, as the same should happen; but made no provision for the said Trustees to account for the execution of the said trust, or to compel them to apply the profits of the estate as directed by the will, which it is just and right they should do:

SECT. II. *BE it therefore enacted by the General Assembly*, That the present Trustees, under the will of the said John Williamson, and their successors forever, shall annually, either in the month of June or July, return an account upon oath to the court of their respective counties wherein they reside, as well of the profits of the said trust estate, as of the disposition and application thereof, to be by the clerk of the court recorded. Every Trustee shall give such bond and security in the court of the county where he resides, as the Trustees immediately appointed by the will of the said John Williamson gave, before they shall proceed to execute the said trust.

C H A P. XCI.

An ACT to enable the executors of James Scott, deceased, to sell a part of his LANDS for the payment of his debts.

SECTION I. WHEREAS James Scott, gentleman, late of the county of Fauquier, died seized of a considerable real estate, leaving a widow and eight children, and by his will directed that his children should be maintained and educated out of the profits of his estate, and that after the death of his wife, the same should be sold and equally divided amongst them, making no provision therein for the payment of his debts; and whereas it is represented to this Assembly, by Elizabeth Scott, widow and executrix, and Cuthbert Bullitt, surviving executor of the said James Scott, that the slaves and personal estate, if sold for the payment of the debts, will deprive the children of the means of being maintained and educated according to the will of the said James Scott, and they have made application for an act to enable them to dispose of so much land as will be sufficient to pay the debts:

SECT. II. *BE it therefore enacted*, That the said executors shall be, and they are hereby authorized and empowered, to sell and convey so much of the lands of the said James Scott, as was directed by his will to be sold after the death of his widow, as will raise a sum sufficient for the payment of their testator's debts, taking bond with sufficient security from the purchaser or purchasers for the sales of the said land.

C H A P. XCII.

An ACT for clearing and extending the NAVIGATION of Chickahominy River.

SECTION I. WHEREAS extending the navigation of Chickahominy river will be of public utility, and it is represented to this present General Assembly that many persons are willing and desirous to subscribe thereto;

SECT. II. *BE it therefore enacted*, That William Douglass, Daniel Trueheart, Julius Allen, Miles Selden, William Macon, William Lewis, William Christian, Richmond Terrel, Joseph Vaiden, William Carter, and John Price, gentlemen, be, and they are hereby nominated, constituted, and appointed Trustees, for clearing and extending the navigation of the said river, as far up the same as the Micaflow Bridges, and they are hereby authorized and empowered, to take and receive subscriptions for that purpose. And if any person or persons shall neglect or refuse to pay the several sums of money by them respectively subscribed for the purposes of this act, it shall and may be lawful for the said Trustees to sue for and recover the same, in the name of the Trustees aforesaid, by petition where the subscription shall not exceed five pounds, and where the same shall be above that sum, by action of debt, founded on this act.

SECT. III. *AND be it further enacted*, That the said Trustees, or a major part of them, shall have full power and authority to contract and agree with any person or persons for clearing and extending the navigation of the river aforesaid, in such manner as to the said Trustees shall seem most proper, and to remove all hedges or stops, which the said Trustees shall think may, in any wise, obstruct the said navigation.

SECT. IV. *AND be it further enacted*, That the said Trustees, or a major part of them, from time to time, as often as they shall see occasion, shall and may nominate and appoint one or more of their number, willing to undertake the same, to be receiver or receivers of all monies that shall be subscribed in consequence of this act; who shall, in the court of the county where he or they shall reside, give bond with two or more sufficient securities, in a reasonable penalty, payable to the said Trustees or their successors, with the condition that he or they, his or their heirs, executors or administrators, at all times when required, shall and will truly and faithfully account to the said Trustees for all such monies as shall come to the hands of such receiver or receivers for the purposes of this act, and pay the same to such person or persons, as the said Trustees or a major part of them, shall order and direct.

SECT. V. *AND be it further enacted*, That in case of the death, resignation, or legal disability, of any one or more of the Trustees before named, it shall and may be lawful for the surviving or remaining Trustees, or any six of them, from time to time to elect so

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many other persons, in the room of those so dead, resigned, or disabled, as shall make up the number of eleven; which Trustees chosen, shall be vested with the same power and authority, as any other in this act particularly named.

SECT. VI. *AND be it further enacted*, That nothing herein contained shall in any wise be construed to affect the rights of individuals, by clearing the main channel of the said river, where there are any disputes respecting the course of the same.

C H A P. XCIII.

An ACT to legalize the qualification of the late SURVEYOR of Yohogania county.

SECTION I. **W**HEREAS it is represented to this present General Assembly, that Benjamin Johnston was, on the twelfth day of September one thousand seven hundred and eighty three, legally commissioned Surveyor of the county of Yohogania, but as no Court was afterwards held in the said county (the extension of the boundary line between this state and Pennsylvania having included in the latter the Magistrates, Sheriff, and Clerk) the said Benjamin Johnston could not qualify to his Commission in manner directed by law, yet he entered into bond on the third day of October, in the same year, with two sufficient securities, before the late Clerk of Yohogania Court, and proceeded to the execution of his office. *AND WHEREAS* doubts have arisen whether the said Benjamin Johnston was legally qualified as Surveyor, and thereby the rights of individuals may be questioned: For remedy whereof,

SECT. II. *BE IT ENACTED*, That the bond executed by the said Benjamin Johnston, as Surveyor for the said county of Yohogania, before the late Clerk of the said County Court, shall be as good and valid in law, as if the same had been taken and executed in open Court, and that all acts done by the said Benjamin Johnston, as Surveyor, shall be as valid as if he had qualified to his Commission in manner directed by law. *PROVIDED*, That nothing contained in this act shall be construed so as to affect the rights of any person or persons, their heirs or assigns, claiming title to any of the lands by prior entries, surveys, patents, or pre-emptions.

C H A P. XCIV.

An ACT for confirming the ESTATE of Reuben Coutts, in the ferry from Richmond to Manchester, and in certain lands, and the fisheries thereunto belonging.

SECTION I. **W**HEREAS Patrick Coutts, merchant, late of the city of Richmond, departed this life some time in the year one thousand seven hundred and seventy six, and in and by his last will and testament, devised to Reuben Coutts, his natural son, an estate for life in the ferry from Richmond to Manchester, called Coutt's ferry, in the lands thereto adjoining, and in the fisheries belonging to the said lands, *AND WHEREAS* it has been represented to the present General Assembly, that it was the intention of the said Patrick Coutts to devise an estate in fee simple in the said ferry, fishery, and lands, to the said Reuben Coutts; and it has been suggested that the reversion expectant upon the estate for life of the said Reuben Coutts, is become escheatable to the Commonwealth, and the said Reuben Coutts, having petitioned this Assembly that the same may be vested in him.

SECT. II. *BE IT THEREFORE ENACTED BY THE GENERAL ASSEMBLY*, That the reversion expectant upon the estate for life of the said Reuben Coutts, in the said ferry, fishery, and lands, shall be, and the same is hereby vested in the said Reuben Coutts, and his heirs forever. Saving nevertheless the rights, legal, and equitable, of all and every person and persons, bodies politic or corporate, except of the Commonwealth, and of those claiming under it, in or to the said reversion, and every part thereof.

C H A P. XCV.

An ACT concerning the NANSEMOND TRIBE of INDIANS.

SECTION I. **W**HEREAS it is represented to this present General Assembly, That there are only now remaining five persons of the Nansmond tribe of Indians, who, through old age, and bodily infirmities, are rendered unable to support themselves by labour, and in order to raise a fund for their future maintenance, have agreed to sell their lands, whereon they live in the county of Southampton, containing about three hundred acres, to a certain William Bennet, for twenty shillings per acre, the full value thereof; but no legal conveyance can be made for the same without the aid and direction of the Legislature, and it being also represented that upon the death of the said five Indians, the whole of that particular tribe will be extinct.

SECT. II. *BE IT THEREFORE ENACTED*, That John Taylor, Edwin Gray, and John Thomas Blow, gentlemen, are appointed Trustees for the said Indians, and that they, or any two of them, shall, and they are hereby required and empowered, upon the said William Bennett's giving bond and sufficient security, to be approved of by the Court of the said county, for the amount of the purchase money, to join with the said Indians, or the major part of them, in conveying the said land to the said William Bennett in fee. The said Trustees, or the survivors or survivor of them, shall annually apply the interest of the purchase money, if sufficient, if not, five pounds out of the principal, for the maintenance and support of each of the said Indians, so long as there be any of the said tribe living; and upon their death, and the said tribe becoming extinct, the said Trustees, or the survivors or survivor of them, shall thereupon pay so much of the purchase money and interest, as shall remain unapplied, into the Public Treasury.

C H A P. XCVI.

An ACT concerning the collection of the TAXES due in the county of Monongalia, for the year 1783.

SECTION I. **W**HEREAS it hath been represented to this present General Assembly, That the Sheriff of the county of Monogalia, neglected to give bond and security for the collection of the taxes in the year one thousand seven hundred and eighty three, and the same remain now due and uncollected from the inhabitants thereof.

SECT. II. *BE IT THEREFORE ENACTED*, That the present Sheriff of the said county, upon giving bond and security in the Court thereof, in the penalty required by law for collectors, shall be, and he is hereby vested with as full power and authority to collect and distrain for the taxes due in the said county for the said year one thousand seven hundred and eighty three, as if he had been Sheriff thereof, at the time they were payable; and the said Sheriff is hereby allowed until the first day of March, one thousand seven hundred and eighty eight, to complete the collection of the taxes in the said county, as well for the year one thousand seven hundred and eighty three, as those now due; and if he shall fail to make payment thereof into the Public Treasury, on or before the first day of May, in the same year, it shall and may be lawful for the Solicitor General to move for judgment against him at the next General Court, or any session of the said Court subsequent thereto. The said Sheriff shall in all cases respecting the collection of the said taxes, be entitled to the same emoluments and subject to the like penalties and damages as directed for Sheriffs and Collectors by the several laws for collecting the Revenue of this state.

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C H A P. XCVII.

An ACT incorporating the TRUSTEES of the Winchester Academy.

SECTION I. **BE IT ENACTED BY THE GENERAL ASSEMBLY,** That it shall be lawful for those persons, or their heirs, who shall contribute the sum of five pounds each to the use of the Winchester Academy, or a majority of them, to meet at the said Academy on the first Monday in February annually, and then and there elect by ballot, twelve fit and able men to serve and act as Trustees of the said Academy, whose authority shall continue for one year, and until others are chosen in their stead, and no longer, except such of them as shall be re-elected. The said Trustees so elected, and those thereafter to be elected, and their Successors for ever, are hereby made a body corporate and politic by the name of the Trustees of the Winchester Academy, and by the said name to have perpetual succession, with capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to grant, let, sell, or assign, and to plead and be impleaded, prosecute, and defend, all causes in law or equity. The said Trustees, or a majority of them, when assembled, shall have power to make such bye-laws and ordinances, as they shall think best for the good government of the said Academy; provided such bye-laws and ordinances shall not be inconsistent with the laws and constitution of this Commonwealth. In case of vacancy by death or otherwise, of any one or more of the Trustees, within the year, the same shall be supplied by a majority of the remaining Trustees.

C H A P. XCVIII.

An ACT authorizing the COURTS of the counties of Norfolk, Princess Anne, and Borough of Norfolk, to appoint Inspectors of lumber.

SECTION I. **BE IT ENACTED BY THE GENERAL ASSEMBLY,** That the Courts of the counties of Norfolk and Princess Anne, and Borough of Norfolk, shall, and they are hereby empowered to appoint so many Inspectors of lumber in their respective jurisdictions, as they shall deem necessary. And the Inspectors so to be appointed, shall, before they enter on the execution of their office, give bond and security in the sum of three hundred pounds, for the faithful performance of the duties of their office, and shall moreover take the following oath: "I do swear that I will well and truly demean myself as Inspector of lumber, without favour, affection, or partiality: So help me GOD. And the Inspectors to be appointed by virtue of this act, shall in all cases be governed by the following regulations, that is to say: All drawn white oak hoghead staves, shall not be less than forty two inches long, three inches wide, and three quarters of an inch thick, when green, and five eighths of an inch if seasoned; white oak hoghead heading shall be twenty eight, thirty and thirty, two inches in length, with a due proportion of each length, seven eighths of an inch thick when green, and three quarters of an inch if seasoned; the staves and heading aforesaid to be without sap; red oak hoghead staves shall not be of less dimensions than the white oak, aforesaid; rough hoghead staves shall be at least forty two inches long three and a half inches wide, and one inch thick; barrel staves shall be at least thirty two inches long, three and a half inches wide; and three quarters of an inch thick; pipe staves shall be at least four feet and a half long, three inches wide, and one inch thick; shingles shall not be less than eighteen inches long, three and a half inches wide, and half an inch thick at the butt, and all plank, scantling, and ranging timber, shall be sound and have square edges, and it shall not be lawful for any master, commander, or skipper of a vessel, lying in any port of Elizabeth river, to receive on board his ship or vessel for exportation, any species of lumber enumerated in this act, without a note or certificate from some Inspector of lumber, that the same has been duly inspected and passed; and the Inspectors are hereby directed to give such note or certificate to the skipper of any small craft lading any such lumber, specifying when and where inspected, for whom, and the name of the ship or vessel exporting the same; and the Naval Officer of the district of Elizabeth river, is hereby charged and directed not to suffer any vessel to clear from his office, unless the master, commander, or skipper of such vessel, shall produce Inspectors notes or certificates for all lumber which he means to clear out, and shall also make oath that he hath no lumber on board, but what is particularly entered in his manifest; any master, commander, or skipper of a vessel, who shall receive on board his vessel for exportation, any lumber herein enumerated, without first obtaining the Inspectors note or certificate for the same, shall forfeit the lumber so taken on board, and twenty pounds current money, to be recovered by action of debt before any Court of Record within this Commonwealth; one half of which fine shall be to the use of the person suing for the same, the other half to the use of the Commonwealth. The Inspectors of lumber shall be entitled to demand and receive the following fees: For all hoghead staves and heading, one shilling and six pence per thousand; for all pipe staves, two shillings per thousand; for all barrel staves, one shilling per thousand; for all shingles, four pence per thousand; for all plank and scantling, three shillings and four pence per thousand; and for all ranging timber, two shillings and six pence per thousand, and no more; to be paid by the person offering the same for inspection, and the inspectors to be appointed by virtue of this act, shall be continued in office during good behaviour. This act shall commence and be in force from and after the first day of May next.

C H A P. XCIX.

An ACT for establishing a TOWN on the lands of James Wilkinson, in Fayette county, and a ferry across Kentucky river.

SECTION I. **BE IT ENACTED BY THE GENERAL ASSEMBLY,** That one hundred acres of land in the county of Fayette, the property of James Wilkinson, which have been laid off into lots and streets, shall be vested in Caleb Wallace, Thomas Marshall, Joseph Crockett, John Fowler, Junior, John Craig, Robert Johnston, and Benjamin Roberts (of Jefferson) gentlemen, Trustees, and shall be established a town, by the name of Frankfort. The said Trustees, or a majority of them, shall within six months after passing of this act, sell at public auction, all the lots within the said town, which have not been heretofore disposed of by the said James Wilkinson, advertising the time and place of such sale at the door of the Courthouse of the said county of Fayette, on two successive Court days. The purchaser shall hold the said lots respectively, subject to the condition of building on each a dwelling house, sixteen feet square, with a brick or stone chimney, to be finished fit for habitation within two years from the day of sale; and the said Trustees, or a major part of them, shall convey the said lots to the purchasers in fee subject to the condition aforesaid, and pay the money arising therefrom to the said James Wilkinson, or his legal representatives; the said Trustees or a major part of them, shall have power to settle all disputes concerning the bounds of the said lots, and to establish such regulations for the regular building of houses thereon, as to them shall seem best. In case of the death, removal out of the county, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the remaining Trustees to supply such vacancy; and the persons so chosen, shall have the same power as the Trustees appointed by this act. The purchasers of the said lots, so soon as they shall have built upon and saved the same according to the conditions of their respective deeds of conveyance, shall enjoy all the privileges which the inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or a major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

SECT. II. **AND BE IT FURTHER ENACTED,** That a public ferry shall be constantly kept across the Kentucky river, from the lands of the said James Wilkinson, in the town of Frankfort, to the opposite shore, and the rates for passing the same be as followeth: For a man, four pence and for a horse the same; and for the transportation of tobacco, wheel carriages, cattle and other beasts, the ferry keeper may demand and take the same rates as are allowed by law at other ferries. If the ferry keeper shall demand or receive from any person or persons whatsoever, any greater rate than are hereby allowed, he shall for every offence, forfeit and pay to the party grieved, the ferriage demanded or received, and ten shillings; to be recovered with costs before a Justice of the Peace of the county where the offence shall be committed.

C H A P. C.

*An ACT for incorporating the ACADEMY in the town of
Alexandria.* 1786

SECTION I. **F**OR incorporating the Academy in the town of Alexandria "Be it enacted by the General Assembly," That it shall be lawful for those persons, or their respective heirs, who shall or may have contributed the sum of five pounds each, to the use of the said Academy, or a majority of them, to meet at the said Academy on the second Monday in April annually, and then and there elect by ballot, thirteen fit and able men to serve and act as Trustees of the said Academy, whose authority shall continue for one year, and until others are chosen in their stead, and no longer, except such of them as shall be re-elected. The said Trustees so elected, and those hereafter to be elected, and their Successors for ever, are hereby made a body corporate and politick, by the name of the Trustees of the Alexandria Academy. They shall have power and capacity to purchase, receive and possess, lands and tenements, goods and chattels, either in fee, or any lesser estate therein; and the same to grant, let, sell or assign, and to plead and be impleaded, prosecute and defend all causes in law or equity. The said Trustees or a majority of them, when assembled, shall have power to make such bye-laws and ordinances as they shall think best for the good government of the said Academy, and to perform and do any thing respecting the property vested therein; Provided such bye-laws and ordinances shall not be inconsistent with the laws and constitution of this Commonwealth. They shall choose a President and Secretary out of their own body; and in case of vacancy, by death or otherwise, of any one or more of the said Trustees within the year, the same shall be supplied by a majority of the remaining Trustees.

SECT. II. "Provided always, and be it further enacted," That the first annual election of the said Trustees shall not take place, or be made, until the year one thousand seven hundred and eighty eight; and that in the mean time, and until such election be made, George Washington, William Brown, David Stewart, John Fitzgerald, Charles Lee, William Baker, Isaac S. Keith, Samuel Hanson, James Hendricks, William Hartshorne, Josiah Watson, Benjamin Dulany, and Charles Simms, gentlemen be, and they are hereby constituted Trustees of the said Academy, with the same powers and authority to all intents and purposes as is given by this act to those who shall hereafter be elected Trustees.

C H A P. CI.

An ACT for dividing the COUNTY of HARRISON.

SECTION I. **B**E it enacted by the General Assembly, That from and after the first day of May, one thousand seven hundred and eighty seven, the county of Harrison shall be divided into two distinct counties, that is to say, so much of the said county lying on the South East of the following lines, beginning at the mouth of Sandy Creek, thence up Tyger's Valley river to the mouth of Buchanan river; thence up the said river including all the waters thereof; thence down Elk river including the waters thereof to the Greenbrier line, shall be one distinct county, and called and known by the name of Randolph; and the residue of the said county shall retain the name of Harrison. A Court for the said county of Randolph, shall be held by the Justices thereof, on the fourth Monday in every month after the said division shall take place, in such manner as is provided by law for other counties, and shall be by their Commissions directed. The Justices to be named in the commission of the Peace for the said county of Randolph, shall meet at the house of Benjamin Wilson, in Tyger's Valley, in the said county, upon the first Court day, after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the Sheriff, according to law, proceed to appoint and qualify a Clerk, and fix upon a place for holding Courts in the said county, at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said Court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they may think proper. Provided always, That the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices of the said county be present, where such majority shall have been prevented from attending by bad weather; or their being at the time out of the county, in such cases the appointment shall be postponed until some Court day when a majority shall be present. The Governor, with advice of the Council, shall appoint a person to be first Sheriff of the said county, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other Sheriffs. It shall be lawful for the Sheriff of the said county of Harrison to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the same in like manner as if this act had not been made. The Court of the said county of Harrison shall have jurisdiction of all actions and suits in law or equity, depending before them at the time of the said division, and shall try and determine the same, issue, process, and award execution thereon.

SECT. II. **A**ND BE IT FURTHER ENACTED, That the Court of the said county of Harrison, shall account for and pay to the said county of Randolph, all such sums of money as shall or may be paid by the inhabitants of the said county of Randolph, towards defraying the expence of erecting a Courthouse and other public buildings in the said county of Harrison. In all elections of a Senator, the said county of Randolph, shall be of the same district with the said county of Harrison.

C H A P. CII.

*An ACT directing the sale of LANDS in the towns of Louisville and Harrodsburg, and
for other purposes.*

SECTION I. **B**E IT ENACTED BY THE GENERAL ASSEMBLY, That Richard Clough Anderson, William Taylor, Robert Brackenridge, David Meriwether, John Clarke, Alexander Scot Bullit, and James Francis Moore, gentlemen, are hereby constituted Commissioners for the following purposes, that is to say, they or a majority of them, shall have power, and are required to demand and receive from the Trustees of the town of Louisville, the amount of the sales of lots made by them, and upon refusal or neglect to pay the money, to institute one or more suits in their names, and the same to prosecute to recovery. The said Commissioners, or a majority of them, shall sell and convey the lands in the said town remaining unsold, by the said Trustees, and apply the money arising therefrom, as well as the monies by them received for the former sales, after deducting the necessary charges of surveying and laying off the said lands, in the first place to the payment of what shall be due on the mortgage from John Connolly to John Campbell and Joseph Simon, and the surplus also to pay to the said Campbell & Simon, for and on account of six hundred and eight pounds three shillings and two pence half penny, together with legal interest on five hundred and seventy seven pounds three shillings, part thereof from the fourth day of June; one thousand seven hundred and seventy six, due to the said Campbell and Simon from Alexander M'Kee.

SECT. II. **A**ND BE IT FURTHER ENACTED, That the Trustees of the town of Harrodsburg, shall, and they are hereby directed, to sell, as soon as may be, so many lots in the said town, as will raise a sum sufficient to pay the balance due to the said Campbell and Simon, either from the said Connolly or Alexander M'Kee, after deducting what shall be paid them, out of the sales of the lands in the town of Louisville, as aforesaid, and to apply such sum accordingly. The said Commissioners are hereby constituted Trustees of the said town of Louisville, in the room of those appointed by the act for establishing the said town; and shall have the same power and authority, to all intents and purposes as the former Trustees had.

C H A P. III.

An ACT to establish a TOWN on the lands late the property of Benjamin Logan, in the county of Lincoln, and to fix the place of holding Courts therein.

SECTION I. WHEREAS it is represented to this present General Assembly, That Benjamin Logan hath given and conveyed to the Justices of the County Court of Lincoln, twenty six acres of land, which have been by the said Court laid off into lots with convenient streets, and disposed of, reserving as much ground as will be sufficient for the purpose of erecting thereon a Courthouse and prison, and that it would be of public advantage were the said lots established a town, and Courts for the said county held therein:

SECT. II. BE IT THEREFORE ENACTED, That the said twenty six acres of land, so laid off into lots and streets, shall be, and they are hereby established a town, by the name of Stanford, and that Benjamin Logan, John Logan, William Montgomery, Henry Pauling, Isaac Shelby, Walker Baylor, and Alexander Blane, gentlemen, be Trustees of the same, who, or a majority of them, are authorized to make such rules for the regular building therein, as to them shall seem most convenient, and to settle and determine all disputes about the bounds of the said lots. In case of the death, resignation, removal out of the county, or other legal disability, of any one or more of the said Trustees, the remaining Trustees shall choose others in their stead, who shall have the same power and authority as any other in this act particularly appointed. So soon as the owners of lots in the said town shall have built thereon a dwelling house sixteen feet square, with a brick or stone chimney, such owner shall have and enjoy the same privileges as the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy. The Court of the said county of Lincoln, shall proceed to erect a Courthouse and prison on the land by them let apart for that purpose in the said town of Stanford, and when the same shall be completed courts for the said county shall thenceforth be held at the said place.

C H A P. CIV.

An ACT to amend the act, intituled "An act for surveying and apportioning the LANDS granted to the Illinois regiment, and establishing a TOWN within the said grant."

SECTION I. BE IT ENACTED BY THE GENERAL ASSEMBLY, That James Francis Moore, Alexander Brackenridge, Robert Brackenridge, Richard Taylor, Andrew Heth, Richard Terrell, and William Croghan, gentlemen, shall be and they are hereby constituted Commissioners, in addition to those appointed by an act, intituled "An act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant." The said Board of Commissioners, or any seven of them, shall have power, and are hereby authorized to settle and determine all claims to land under the said act heretofore received, as well as all such as shall be exhibited to them before the first day of January, one thousand seven hundred and eighty eight, and to approve and allow or reject the same, as to them shall seem just and right. The Register of the Land Office shall immediately, after the passing of this act, issue a patent to the said Commissioners for the lands contained in the said grant, without demanding a fee for the same. The Commissioners shall demand and receive from every person who shall be allowed a portion of the said land before they shall execute a deed, his respective proportion of the fees payable to the Register of the Land Office for the original grant; and if any person shall fail to make application to the Commissioners for a deed, and pay such proportion as aforesaid, within eighteen months after the passing of this act, his right to the lands allowed him shall be forfeited.

SECT. II. PROVIDED ALWAYS, AND IT IS FURTHER ENACTED, That the said Commissioners, or a majority of them, shall have power to extend the time herein fixed, for each claimant to pay his proportion of the original grant to the first day of September, one thousand seven hundred and eighty nine, and no longer.

C H A P. CV.

An ACT to establish a TOWN on the lands of John Lynch, in the county of Campbell.

SECTION I. BE IT ENACTED BY THE GENERAL ASSEMBLY, That forty five acres of land, the property of John Lynch, and lying contiguous to Lynch's ferry, in the county of Campbell, are hereby vested in John Clarke, Adam Clement, Charles Lynch, John Callaway, Achilles Douglass, William Martin, Jesse Burton, Joseph Straton, Micajah Moorman, and Charles Brooks, gentlemen, Trustees, to be by them, or any six of them, laid off into lots of half an acre each, with convenient streets, and established a town by the name of Lynchburg. The said Trustees, or any six of them, shall proceed to sell the said lots at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia gazette; the purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling house sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within three years from the day of sale; and the said Trustees, or any six of them shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said John Lynch, on his legal representatives. **PROVIDED ALWAYS,** That nothing herein contained shall be construed to alter or affect the right or interest of the said John Lynch in and to the lots on which he hath erected buildings, and one square containing two acres, in such part of the said town as he may choose. The said Trustees, or any six of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best and most convenient. And in case of the death, removal out of the county, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the surviving or remaining Trustees, to elect and choose so many other persons in the room of those dead or disabled as shall make up the number. The Trustees so elected, shall be vested with the same power and authority as those particularly named in this act. The purchasers of lots in the said town, so soon as they shall have built upon and saved the same, according to their respective deeds of conveyance, shall then be intitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or a major part of them, may thereupon enter into such lot and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

C H A P. CVI.

An ACT to establish a public FERRY, a TOWN, and an INSPECTION of TOBACCO, on the lands of John Cird, in the county of Mercer.

SECTION I. WHEREAS it has been represented to this present General Assembly, that it would be of public utility, to establish a warehouse for the reception and inspection of tobacco on the lands of John Cird in the county of Mercer;

SECT. II. BE IT THEREFORE ENACTED, That an inspection of tobacco shall be, and the same is hereby established, on the land of the said John Cird, lying at the mouth of Dick's river in the county of Mercer, to be called and known by the name of Cird's warehouse. There shall be allowed and paid annually to each of the Inspectors at the said warehouse, the sum of thirty pounds for their salary.

SECT. III. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors salaries, the deficiency shall not be paid by the public.

SECT. IV. AND BE IT FURTHER ENACTED, That twenty acres of land, the property of the said John Curd, lying at the confluence of the Kentucky and Dick's river, in the said county of Mercer, be, and they are hereby vested in John Jouet, Gabriel Madison, James Hoard, Samuel Pryor, Alexander Robertson, Robert Mosby, James Overton, Harry Innes, Joseph Crocket, and William Lewis, gentlemen, Trustees, to be by them, or a majority of them laid out into lots of half an acre each, with convenient streets, and established a town, by the name of New Market, so soon as the said twenty acres of land shall be laid off into lots and streets, the said Trustees, or the major part of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for three months at the Courthouse of each of the said counties of Mercer, Lincoln, and Fayette. The purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling house, containing sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within two years from the day of sale; and the said Trustees, or the major part of them, shall convey the said lots to the purchasers in fee, subject to the condition aforesaid, and pay the money arising from the sale thereof, to the said John Curd, or his legal representatives. The said Trustees, or the major part of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best. In case of the death, removal out of the county, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the remaining Trustees to elect and chuse other persons in the room of those dead, or disabled, who shall be vested with the same powers, and authority as any other in this act particularly appointed. The purchasers of the said lots, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or a major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

SECT. V. AND BE IT FURTHER ENACTED, That a public ferry shall be constantly kept at the following place, and the rates for passing the same, as followeth, that is to say; from the land of the said John Curd, in the county of Mercer, across Kentucky river, to the opposite shore, for a man four pence, and for a horse the same; and for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the place aforesaid, the ferry keeper may demand and take the same rates as are by law allowed at other ferries. If the ferry keeper shall demand or receive from any person, or persons whatsoever, any greater rates than are hereby allowed, he shall, for every offence so committed, and pay to the party grieved, the ferryage demanded or received, and ten shillings, to be recovered with costs before a Justice of the Peace of the county where the offence shall be committed.

C H A P. CVII.

An ACT to establish a TOWN at the Courthouse of the county of Accomack.

SECTION I. BE IT ENACTED BY THE GENERAL ASSEMBLY, That ten acres of land, the property of Richard Drummond, adjoining to Accomack Courthouse, shall be, and the same are hereby vested in John Cropper, jun. Thomas Evans, John Teacie, Thomas Bailey, and Thomas Curtis, gentlemen, Trustees, to be by them, or any three of them, laid out into lots of half an acre each, with convenient streets, and together with twenty other half acre lots contiguous thereto and improved, shall be, and the same are hereby established a town, by the name of Drummond. As soon as the said ten acres of land shall be so laid off into lots and streets, the said Trustees or the major part of them, shall proceed to sell the lots at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for two months at the Courthouse of each of the counties of Accomack and Northampton; the purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling house, containing sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within two years from the day of sale; and the said Trustees or the major part of them, shall, and they are hereby empowered, to convey the said lots to the purchasers in fee, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said Richard Drummond, or his legal representatives. The said Trustees, or a majority of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses thereon, as to them shall seem best; and in case of the death, removal out of the county, or other disability, of any of the said Trustees, it shall be lawful for the others to supply such vacancy, and the Trustees so chosen shall, to all intents and purposes, be vested with the same powers as those particularly named in this act. The purchasers of the lots in the said town, so soon as they shall have built upon and saved the same according to the conditions of their respective deeds, shall be intitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon, within the time before limited, the said Trustees, or a majority of them, may thereupon enter into such lot and sell the same again, and apply the money in any manner for the benefit of the said town.

C H A P. CVIII.

An ACT for establishing several public FERRIES, and for other purposes.

SECTION I. BE IT ENACTED BY THE GENERAL ASSEMBLY, That public ferries shall be constantly kept at the following places, and the rates for passing the same as hereafter mentioned, that is to say: From the land of Thomson Mason, deceased, in the county of Loudoun, across Potowmack river, to the land on the opposite shore, in the state of Maryland, the price for a man six pence, and for a horse the same; from the land of Robert Parker, in the county of Hampshire, across the South branch of Potowmack river, to his land on the opposite shore, the price for a man three pence three farthings, and for a horse the same; from the land of George Jackson, in the county of Harrison, across Elk creek, to his land on the opposite shore, the price for a man two pence, and for a horse the same; from the land of John Panake, in the county of Hampshire, across the South Branch of Potowmack to the land of Jacob Earfom, on the opposite shore, the price for a man three pence three farthings, and for a horse the same; from the land of Isaac Parsons, in the said county of Hampshire, across the south branch of Potowmack, to his land on the opposite shore, the price for a man three pence three farthings, and for a horse the same; from the land of John Wickwire, in the county of Harrison, across Tyger's Valley river, to his land on the opposite shore the price for a man three pence, and for a horse the same; from the land of Benjamin Rankin, in the county of Berkeley, across Shenandoah river, to the land of George William Fairfax, on the opposite shore, the price for a man three pence three farthings, and for a horse the same; from the land of Peter Harbort, in the county of Loudoun, across Goose Creek, to the land of Doctor Wilson Seiden, on the opposite shore, the price for a man three pence, and for a horse the same; from the land of Philip Aylett, at the place called Aylett's warehouse, across Mattapony river, to the opposite shore, in the county of King & Queen, the price for a man three pence, and for a horse the same; from the land of Edward Snicker's at William's Gap on the one side of Shenandoah river to the land of said Snicker's, on the opposite shore, the price for a man three pence three farthings, and for a horse the same; and from the land of John Anderson, in the county of Greenbrier, across Greenbrier river, to his land on the opposite shore, the price for a man three pence three farthings, and for a horse the same; and for the transportation of wheel carriages, tobacco, cattle, hogs, and sheep, at the places aforesaid, the ferry keepers may respectively demand and take the same proportionate rates as are by law established at other ferries. If any ferry keeper shall demand or receive from any person or persons whatsoever, any greater rates than are hereby allowed for the ferryage or carriage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the ferryages demanded or received, and ten shillings to be recovered with costs before a Justice of the Peace of the county where the offence shall be committed. **AND WHEREAS** by an act passed in the year of our Lord one thousand seven hundred and eighty, it was enacted that the ferry established from the land of the late Henry Batte, in the county of Henrico, to the land of Alexander Bolling, in the county of Prince George, should be discontinued, and among other things, a ferry should be kept from the upper end of the land of Thomas Batte, the younger, in the county of Chesterfield, across Appamatox river, to the lot of land the property of William Gilliam, in the town of Broadway, and county of Prince George; **AND WHEREAS** there is an impassable swamp leading to the said landing of Thomas Batte, the younger, through which no attempt has yet been made to make a cause way, by which means the public have been deprived of the convenience of a ferry at the said place as by law established; but nevertheless a private ferry has been set up by Thomas Batte, the elder, from his lands adjoining the lands of Thomas Batte, the younger, which has been continued by the said Thomas Batte, the elder, for several years.

SECT. II. BE IT THEREFORE ENACTED, That the said ferry now kept by Thomas Batte, the elder, shall be continued and established as a ferry until the said cause-way through the swamp of Thomas Batte, the younger shall be made passable to the landing, and a good and sufficient boat shall be provided by the said Thomas Batte, the younger, from which time the said ferry shall be kept from his land to the town of Broadway, as if this act had not passed.

SECT. III. AND BE IT ENACTED, That until that time, Thomas Batte, the elder, shall be intitled to receive for ferryage at the rate of six pence for the transportation of every man, and six pence for every horse, and for every coach, chariot, or waggon, and the driver thereof, the same as for four horses; for every cart or four wheel chaise or chair, the same as for two horses, for every hoghead of tobacco, as for one horse, for every hog, sheep, goat, or lamb, one fifth part of the ferryage of one horse.

SECT. IV. AND BE IT FURTHER ENACTED, That the ferry known by the name of Temple's ferry across Mattapony river be henceforth discontinued.

C H A P. CIX.

An ACT to amend the act for the appointment of TRUSTEES for the Town of York.

BE it enacted by the General Assembly, That it shall and may be lawful for the Trustees of the town of York, and their successors, by the said name to sue and be sued, implead and be impleaded, in all courts of law or equity.

C H A P. CX.

An ACT to authorize the TRUSTEES of Washington Henry Academy, to raise a sum of money by way of lottery.

BE it enacted by the General Assembly, That it shall and may be lawful for the Trustees of the Washington Henry academy, to raise by way of lottery, a sum of money not exceeding three hundred pounds, to be by them applied in making additions to, and repairing the buildings of the said academy; and for that purpose to appoint Managers to superintend and direct the drawing of the same, taking bond with sufficient security from such Managers in a reasonable penalty, conditioned for the faithful discharge of the trust.

C H A P. CXI.

An ACT for appointing TRUSTEES to the Pamunkey Indians.

SECTION I. WHEREAS it is represented that the Trustees for the Pamunkey Indians are all dead, except the Honorable Carter Braxton; and the said Indians have petitioned this Assembly to appoint others in their stead;

SECT. II. *BE it therefore enacted,* That Drury Ragdale, James Hill, Thomas Littlepage, James Johnson, the younger, Bernard Moore, William Dandridge Claiborne, Benjamin Temple, Thomas Robinson, Isaac Quarles, and James Ruffin, gentlemen, shall be, and they are hereby constituted Trustees for the said Indians, in the room of those who are dead.

C H A P. CXII.

An ACT for altering the COURT-DAYS of certain Counties.

BE it enacted by the General Assembly, That from and after the last day of February next, a court for the county of Gloucester shall be held on the first Monday in every month; a court for the county of Hardy shall be held on the Monday next after the first Tuesday in every month; a court for the county of Hampshire shall be held on the Thursday next after the second Tuesday in every month; a court for the county of King William shall be held on the fourth Monday in every month; a court for the county of Harrison shall be held on the third Monday in every month; a court for the county of Orange shall be held on the fourth Monday in every month; a court for the county of Mercer shall be held on the fourth Tuesday in every month; a court for the county of Nelson shall be held on the second Tuesday in every month; a court for the county of Greenbrier shall be held on the last Tuesday in every month; a court for the county of Montgomery shall be held on the first Tuesday in every month; a court for the county of Washington shall be held on the second Tuesday in every month; a court for the county of Russell on the third Tuesday in every month; a court for the county of Henry on the second Monday in every month; a court of Hustings shall be held for the City of Richmond on the fourth Monday in every month; the courts of quarterly sessions in the counties of Montgomery, Washington, and Russell, shall in future be held on the several days of holding courts within the said counties in the months of April, June, September, and November; and a court for the county of Lancaster shall be held on the third Monday in every month; any law to the contrary thereof, notwithstanding.

C H A P. CXIII.

An ACT for vesting the REAL ESTATE of William Love, deceased, in Marion Love and her heirs.

SECTION I. WHEREAS William Love, merchant, late of the county of Stafford, died intestate, and without issue, leaving Marion Love, his widow and relict; and whereas it has been represented to the present General Assembly, that the heir at law of the said William Love is an alien, whereby the real estate, whereof he died seized, is escheatable to the Commonwealth, and the said Marion Love having petitioned this Assembly that the same may be vested in her:

SECT. II. *BE it therefore enacted by the General Assembly,* That the real estate, whereof the said William Love died seized, shall be, and the same is hereby vested in the said Marion Love, and her heirs, in fee simple: Saving nevertheless, the rights, legal and equitable, of all and every person and persons, bodies politic or corporate, except of the Commonwealth and those claiming under it, in and to the said real estate, and every part thereof.

C H A P. CXIV.

An ACT giving further time for improving the NAVIGATION between the GREAT FALLS of POTOWMACK-RIVER and FORT CUMBERLAND.

BE it enacted by the General Assembly, That the Potowmack Company shall be, and they are hereby allowed, until the seventeenth day of November, one thousand seven hundred and ninety, for making and improving the navigation between the Great Falls and Fort Cumberland; any law to the contrary thereof, notwithstanding. This act to take place as such, on a similar law being passed by the Legislature of Maryland, and not otherwise.

C H A P. CXV.

An ACT for completing the REVISION of the LAWS.

SECTION I. FOR completing the revision of the laws, *BE it enacted by the General Assembly,* That a Committee, to consist of three persons, shall be appointed by joint ballot of both Houses (two of whom to be a quorum) who shall take into consideration such of the bills contained in the revival of the laws prepared and reported by the Committee appointed for that purpose, in the year one thousand seven hundred and seventy-six, as have not been enacted into laws; shall examine what alterations therein may be rendered necessary, by a change of circumstances or otherwise, and shall make report thereupon to the next meeting of the General Assembly, as the said Committee shall judge proper.

SECT.

SECT. II. *AND be it enacted*, That the said Committee shall also take into consideration, all Acts of Assembly passed since the revival aforesaid was prepared, and shall have full power and authority to revise, alter, amend, repeal or introduce, all or any of the said laws, to form the same into bills, and report them to the General Assembly. *AND* to prevent any delay which may happen in the proceedings of the said Committee, by the death or disability of any member thereof;

SECT. III. *BE it enacted*, That if either of the said members should die, refuse to act, or be disabled by sickness, from proceeding in the said work, it shall be lawful for the remaining members to appoint some other person in his stead, which person so appointed is hereby declared a member of the said Committee, in like manner as if he had originally been appointed by joint ballot of both Houses.

SECT. IV. *AND be it enacted*, That the said Committee shall have power to meet at such times and places as they shall think proper, for the purposes aforesaid; to appoint a clerk for their ease and assistance; and to send for any copies of records to the clerk in whose custody they are, which such clerk is hereby directed forthwith to transmit to them. *PROVIDED*, That such bills to be prepared and reported by the Committee to be appointed as aforesaid, shall be of no force or authority until they shall have gone through their several readings in both Houses of Assembly, and been passed by them in such manner and form, as if the same had been originally introduced without the direction of this act.

SECT. V. *AND* that the operation of each and all of the acts passed at the present General Assembly, of the following titles, to wit, "An act forbidding and punishing affrays—An act for licensing counsel attorneys at law and proctors—An act against conspirators—An act concerning partitions and joint rights and obligations—An act for recovering demands of a small value in a summary way—An act providing that an infant may sue by his next friend—An act for speedy recovery of money due from certain persons to the public—An act providing that actions popular prosecuted by collusion shall be no bar to those which be pursued with good faith—An act for preventing vexatious and malicious prosecutions, and moderating amercements—An act concerning treasons, felonies, and other offences committed out of the jurisdiction of this Commonwealth—An act for punishing disturbers of religious worship and Sabbath breakers—An act prescribing the punishment of those who sell unwholesome meat or drink—An act to encourage the apprehenders of horse-stealers—An act declaring, when the death of persons absenting themselves shall be presumed—An act for reforming the method of proceeding in writs of right—An act directing the method of trying slaves charged with treason or felony—An act for the suppression and punishment of riots, routs, and unlawful assemblies—An act to punish bribery and extortion—An act against conveying or taking pretended titles—An act prescribing the method of protesting inland bills of exchange, and allowing assignees of obligations to bring actions thereupon in their own names—An act providing a means to help and speed poor persons in their suits—An act against usury—An act directing the method of proceeding against and trying free persons charged with certain crimes"—shall be suspended until the first day of July next.

SECT. VI. *AND be it enacted*, That the act passed at the last session of General Assembly, intituled "An act concerning escheators," being rendered superfluous by the subsequent passage of an act, intituled "An act to extend the operation of an act, intituled "An act concerning escheators," to the several counties in the Northern Neck, shall be, and the same is hereby repealed.

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